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JUVENILE DELINQUENCY

(INDIANS)

HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
FIRST SESSION
PURSUANT TO
S. Res. 62

INVESTIGATION OF JUVENILE DELINQUENCY IN THE
UNITED STATES

MARCH 11, APRIL 28, 29, AND 30, 1955

Printed for the use of the Committee on the Judiciary



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1955

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JUVENILE DELINQUENCY

(Indians)

FRIDAY, MARCH 11, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D. C.

The subcommittee met, pursuant to call, at 2 p. m., in room F-41, United States Capitol, Senator William Langer, presiding.

Present: Senators Kefauver (chairman of the subcommittee), Johnston, Langer, Wiley, O'Mahoney, and Young.

Also present: Representative E. Y. Barry.

Also present: James H. Bobo, general counsel; Peter N. Chumbris, associate counsel; and William Haddad of the committee staff.

Senator LANGER. Mr. Chumbris, will you call your first witness and tell us what it is all about?

Mr. CHUMBRIS. The United States Senate Subcommittee To Investigate Juvenile Delinquency is conducting this public hearing today to augment the data and testimony received in a series of hearings held in North Dakota last October dealing with juvenile delinquency among Indian children, including the adequacy of existing statutes and facilities.

The hearings in North Dakota indicated an increase in the problem of delinquency among Indians in North Dakota. The subcommittee found that the major contributing factors to this delinquency are: poverty and extremely poor living conditions; lack of effective law and order; disorganized family life; poor educational programs; and the difficulties the Indians find in making the transition from the old to the new culture.

Other contributing factors are: poor health conditions, inadequate welfare services, and the lack of local leadership for community action on the reservation.

All of the above contributing factors to delinquency seem to have been accentuated by the guardian-ward relationship between the Indians and the Federal Government, which has completely reversed its policy toward the Indians twice during the last 100 years. The result of this has been general demoralization of the Indians and has led to evils experienced now, such as excessive drinking by adults and children alike, loose sex practices, desertions, and general decay of family life.

At the hearings in North Dakota, many pressing problems which confronted the Indians and which in turn have an impact on youth

and juvenile delinquency were discussed. However, several questions and problems went unanswered and unsolved since they had to be considered by the Department of the Interior and the Bureau of Indian Affairs officials in Washington.

Further, the consideration of these problems by these officials will be a great aid in our proposed hearings on juvenile delinquency among Indians in other parts of the Nation. For this reason, we have invited officials of the Department of the Interior, the Bureau of Indian Affairs, as well as several representatives of the State of North Dakota to appear and give this subcommittee their thinking on these important problems.

Senator O'MAHONEY (presiding). Who is your first witness?

Mr. CHUMBRIS. Our first witness will be the Honorable Douglas McKay, Secretary of the Interior, if he is present.

Mr. LEWIS. Secretary McKay is not present. He was unable to be here.

Senator O'MAHONEY. Secretary Lewis, are you representing him on this matter?

Mr. LEWIS. Yes.

Senator O'MAHONEY. Will you come forward, please?

Mr. LEWIS. I will be glad to.

Senator O'MAHONEY. All right, sir.

Mr. CHUMBRIS. Mr. Chairman, we have a folder at your desk which has a list of the witnesses, and on the right-hand side are listed items that we will go into at this hearing.

Senator O'MAHONEY. Very good.

All right, sir. Will you proceed?

Mr. CHUMBRIS. Yes, sir.

STATEMENT OF HON. ORME LEWIS, ASSISTANT SECRETARY OF THE INTERIOR

Mr. CHUMBRIS. Will you please state your full name?

Mr. LEWIS. Orme Lewis.

Mr. CHUMBRIS. And what is your official capacity with the Government?

Mr. LEWIS. Assistant Secretary of the Interior for Land Management.

Mr. CHUMBRIS. And I understand you are here as a delegate of Secretary McKay?

Mr. LEWIS. That is correct.

Mr. CHUMBRIS. Mr. Lewis, will you please state to this public hearing the position of the Department of the Interior on the question of Federal reimbursement to the States for moneys expended on the assumption of jurisdiction for law and order in the respective States? Has that problem been presented to you previously?

Mr. LEWIS. Not directly. It is one of those matters that has received consideration in the sense of discussions. I would be glad to give you preliminary ideas on it, but I feel at this time that I could not give you a definite statement of policy.

Mr. CHUMBRIS. May I go back—

Senator LANGER. Now, wait a moment. There is no use wasting our time, Mr. Lewis.

Call the two fellows from North Dakota. We have had meeting after meeting after meeting, and I am not going to be satisfied with anything in the future. I am here to get at them. Either we are going to get it or not get it. And we have fooled around with this thing for a year and a half, Mr. Lewis, and we are not going to delay any more.

Call John Hart to tell us what the situation is about those Indians up there in North Dakota, and how there is no law enforcement up there in that State.

MR. CHUMBRIS. Mr. Lewis, would you please yield the chair?

Senator LANGER. He can just stay right here.

Where are you, Mr. Hart?

MR. CHUMBRIS. Mr. John Hart, please.

Senator LANGER. There is no law enforcement up there. There is no order up there. The North Dakota Supreme Court has held, ladies and gentlemen, that the Federal Government and only the Federal Government can enforce the law up there in that State, and we have got to have somebody up there. Before somebody is killed we have got to have somebody up there to take charge, Mr. Lewis.

MR. LEWIS. I agree with you.

MR. CHUMBRIS. Mr. Chairman, prior to asking Mr. Hart some questions, may I have identified for the record and introduce into evidence a letter from a subcommittee of the Legislature of the State of North Dakota that was forwarded to this subcommittee expressing the wishes of the State of North Dakota on questions dealing with Indian problems?

Senator O'MAHONEY. Yes, you may. Mark that "Exhibit No. 1."

MR. CHUMBRIS. I have this letter and two resolutions, Resolution H-2 and Resolution Q-1.

(The resolutions referred to were marked "Exhibit No. 1" and read as follows:)

Thirty-fourth Legislative Assembly, State of North Dakota, Begun and Held at the Capitol in the City of Bismarck, on Tuesday, the Fourth Day of January, One Thousand Nine Hundred Fifty-five.

HOUSE CONCURRENT RESOLUTION Q-1

(Rohde, Hofstrand, Fine, Thompson of McLean, Solberg, Mollet, Beede)

A CONCURRENT RESOLUTION RELATING TO LAW ENFORCEMENT PROBLEMS UPON INDIAN RESERVATIONS

Whereas Public Law 280 has authorized the various States of the Union, including North Dakota, to assume criminal and civil jurisdiction in Indian country within their boundaries by appropriate resolutions or constitutional amendments; and

Whereas no provision is now made whereby the Federal Government will reimburse States and local political subdivisions for the necessary expenditures upon the assumption of such jurisdiction over territory under the absolute control of the Congress of the United States; and

Whereas the State of North Dakota is desirous of seeing that Indian people within its boundaries receive the same impartial protection of effective law enforcement as is enjoyed by non-Indian residents; and

Whereas a recent investigation by the Senate Subcommittee on Juvenile Delinquency has disclosed and made public the deplorable lack of effective law enforcement in said Indian country as the same affects juveniles and adults, residents of said Indian country; and

Whereas the solution of said problem and the improvement of the condition of said residents of said Indian country requires that adequate provisions be

made for the reimbursement of State and political subdivisions before the assumption of said jurisdiction: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That the North Dakota delegation in Congress, working with the delegations of other States having Indian populations, is hereby urged and requested to provide a means whereby it will be feasible for the State of North Dakota to offer its facilities for the correction of the presently existing deplorable conditions;

That the legislative research committee is hereby authorized and directed to study such matters and to appoint a subcommittee to give detailed consideration to the financial aspects of such readjustment of historic responsibility and such subcommittee is hereby authorized to confer with the executive and legislative branches of the Federal Government in arriving at an equitable solution to such problems, and the legislative research committee is further directed, upon the completion of such study and said conferences, to publish its findings and recommendations, and to make its report to the Thirty-Fifth Legislative Assembly in such form as it may deem expedient; be it further

Resolved, That copies of this resolution be forwarded to each member of the North Dakota Congressional delegation, to the Secretary of the Interior, and to all other persons interested in said matter.

K. A. FITCH,
Speaker of the House.
KENNETH L. MORGAN,
Chief Clerk of the House.
C. P. DALL,
President of the Senate.
EDWARD LENO,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION H-2

(Introduced by Representatives Fine and Hofstrand)

A CONCURRENT RESOLUTION URGING CONGRESS AND THE BUREAU OF INDIAN AFFAIRS TO ESTABLISH TRIBAL COURTS OR COURTS OF INDIAN OFFENSES FOR THE FORT TOTTEN INDIAN RESERVATION

Whereas the Federal Government has withdrawn from law enforcement activities upon the Fort Totten Indian Reservation; and

Whereas the Supreme Court of the State of North Dakota has ruled that this State has no jurisdiction over such Indian lands; and

Whereas there is presently no provision for any law enforcement whatsoever upon the Fort Totten Indian Reservation except for the ten major crimes; Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That the Legislative Assembly hereby urges and requests the Congress and the Bureau of Indian Affairs to provide for the establishment of tribal courts or courts of Indian offenses at Fort Totten Indian Reservation in order to maintain law and order on such Indian lands; and be it further

Resolved, That copies of this resolution be forwarded by the Chief Clerk of the House of Representatives to the President of the United States, the Bureau of Indian Affairs, and to each member of the North Dakota congressional delegation.

Senator O'MAHONEY. In order that this record may be understandable, may I ask you to read into the record the original resolution under which the investigation took place?

Mr. CHUMBRIS. Yes, sir. [Reading:]

JUVENILE DELINQUENCY SUBCOMMITTEE,

Committee on the Judiciary.

GENTLEMEN: The North Dakota Legislative Research Committee—

Senator O'MAHONEY. You did not understand me, sir. Would you please read into the record the original resolution which brought about this investigation of Indian affairs?

Mr. CHUMBRIS. All right, sir.

Senator O'MAHONEY. Now, you probably have done that before. But inasmuch as I am not a member of this Juvenile Delinquency Subcommittee, I am at a loss to follow the matter in spite of the fine work of my friend on the left.

Senator WILEY. Let us have no more doubt about it. Senator Langer and I now constitute you a member.

Don't we, Senator?

Senator LANGER. Unanimously.

Mr. CHUMBRIS. The original resolution is Senate Resolution 89, in the Senate of the United States on March 4, 1953, introduced by Mr. Hendrickson, who submitted the following resolution:

Resolved, That the Committee on the Judiciary or any duly authorized subcommittee thereof is authorized and directed to conduct a full and complete study of juvenile delinquency in the United States. In the conduct of such investigation, special attention shall be given to (1) determining the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (2) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code in dealing with youthful offenders of Federal laws, (3) sentences imposed or other correctional action taken with respect to youthful offenders by the Federal courts, and (4) the extent to which juveniles are violating the Federal laws relating to the sale or use of narcotics.

SEC. 2. The committee or any duly authorized subcommittee thereof is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate to all such areas, to require by subpoenas or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and, within the amount appropriated therefor, to make such expenditures as it deems advisable. The cost of stenographic—

Senator O'MAHONEY. That is the formal part of the resolution.

Mr. CHUMBRIS. Yes, sir.

Senator O'MAHONEY. That may appear without reading.

(The remainder of the resolution is as follows:)

[S. Res. 89, 83d Cong., 1st Sess.]

RESOLUTION

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study of juvenile delinquency in the United States. In the conduct of such investigation special attention shall be given to (1) determining the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (2) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws, (3) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (4) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

SEC. 2. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to hold such hearings, to require by subpoenas or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and, within the amount appropriated therefor, to make such expenditures as it deems advisable. The cost of stenographic services to report hearings of the committee or subcommittee shall not be in excess of 40 cents per hundred words. Subpoenas shall be issued by the chairman of the committee or the subcommittee, and may be served by any person designated by such chairman.

A majority of the members of the committee, or duly authorized subcommittee thereof, shall constitute a quorum for the transaction of business, except that a lesser number to be fixed by the committee, or by such subcommittee, shall consti-

tute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest date practicable but not later than January 31, 1954.

SEC. 4. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the committee under this resolution, which shall not exceed \$44,000, shall be paid from the contingent fund of the Senate up vouchers approved by the chairman of the committee.

Senator O'MAHONEY. Now let me ask you, Mr. Attorney, how this question of juvenile delinquency on the Indian reservations in North Dakota arose.

Mr. CHUMBRIS. In the interim report of last year the subcommittee decided amongst the other forms of investigation, to investigate juvenile delinquency among Indian children and the existing statutes and facilities for those children.

Senator O'MAHONEY. Has any preliminary investigation been made?

Mr. CHUMBRIS. Yes.

As a result of numerous letters from interested people in the various States, law enforcement officers on the reservation and off the reservations, State officials, and people interested in Indian affairs who have written hundreds of letters to the subcommittee requesting this investigation—as a result thereof, we sent questionnaires to peace officers, to judges, and to heads of training institutions throughout the country, especially the 26 States in which the Indians primarily reside. We received 60 percent return of those questionnaires.

Also, personal investigation was made in the State of North Dakota a week prior to the hearings in North Dakota, and personal investigation was made of the area office at Anadarko, Okla., to compare the problems in Oklahoma with the problems in North Dakota preceding the hearings.

Senator O'MAHONEY. Was the Bureau of Indian Affairs represented at the hearing in North Dakota?

Mr. CHUMBRIS. Yes, sir. The Bureau of Indian Affairs delegated Mr. William Kastler, Solicitor's Office of the Department of the Interior, to represent them at the hearings in North Dakota. The assistant area director and about 5 or 6 officials of his staff, and also Mr. Bengé, from Washington, the chief Federal officer at the hearings, were there, and all of the superintendents of the 4 reservations were at the hearings, and many Indian chiefs and Indian councils were very well represented.

Senator O'MAHONEY. Was the Bureau of Indian Affairs, therefore, apprised fully of the subject matters that you are bringing up today?

Mr. CHUMBRIS. Yes.

About 2 weeks ago I had a conference with Commissioner Emmons and with the heads of all the branches of his Bureau. We went over many of the problems that were brought out in the North Dakota hearings, and we had a conference with Senator Langer and the other Senators on the subcommittee. This hearing is a result of action taken at the hearing itself and later action between this subcommittee and the Bureau of Indian Affairs.

Senator O'MAHONEY. I understand, therefore, that at the request of Senator Langer, you are calling Mr. Hart of North Dakota who is the head of the State bureau that handles Indian matters?

Mr. CHUMBRIS. That is correct. He is the executive director of the bureau.

Senator O'MAHONEY. And you are going to call him now to testify with respect to the conditions?

Mr. CHUMBRIS. We are going to call upon him to testify as to issues that we hope to bring out today, and that is the position of the State of North Dakota and other States within his knowledge—he is a member of the Governors' Conference on Indian Affairs throughout the Nation—as to their position on problems of law and order and other factors that contribute to juvenile delinquency.

STATEMENT OF HON. JOHN HART, EXECUTIVE DIRECTOR, INDIAN AFFAIRS COMMITTEE, STATE OF NORTH DAKOTA

Senator O'MAHONEY. Has the State of North Dakota, Mr. Hart, taken any action under Public Law 280 of the 83d Congress?

Mr. HART. No, sir.

The Supreme Court of North Dakota gave a decision that that would require a constitutional amendment. The State legislature had passed a resolution providing for a constitutional amendment at the next general election, which will be about a year and a half from now.

Senator O'MAHONEY. Do you recommend the adoption by the State of North Dakota of State jurisdiction over civil and criminal offenses committed on reservations?

Mr. HART. As the situation stands now, I do not.

Senator O'MAHONEY. And what is the aspect of the situation that causes you to have that adverse opinion?

Mr. HART. The matter of reimbursement and the matter of throwing an expense onto local taxpayers of a county which, in my opinion and from my observation, will result in an increased sharpening cleavage between Indian and non-Indian people, and will probably result in an overall picture of a regression in this field of human relationships, more so than exists right now.

Senator O'MAHONEY. Then it is your view, your personal view and your official view, that the expense of assuming jurisdiction by the state throughout the county would be too great under present conditions?

Mr. HART. Yes, sir.

I will go further than that. I will say that the North Dakota Legislature has passed a resolution to that effect. I will say further that I believe the special committee of the North Dakota Legislature will advise the people of the State of North Dakota to vote "no" on this constitutional amendment unless there are sufficient guaranties for reimbursement of the local political subdivisions involved.

Senator O'MAHONEY. Now, what is the nature of the constitutional amendment and why is it needed?

Mr. HART. The constitution of the State of North Dakota adopted the compact between the people of the United States and the people of the State of North Dakota at the time North Dakota entered the Union. A similar compact was adopted by the State of Montana.

South Dakota has a relatively similar compact. That compact says—

Senator O'MAHONEY. A compact between whom?

Mr. HART. The people of the United States and the people of the State of North Dakota, the Federal act which we call the enabling legislation to create the State of North Dakota.

The ruling of the Supreme Court is that the Constitution has to be amended before the State legislature has authority to take over in the State of North Dakota. A different situation exists in the State of South Dakota, where the enabling act says—or I should say the constitution of the State says, “* * * as expressed by the legislature.” That part is missing in North Dakota, sir.

Senator O'MAHONEY. And then has a statute been passed submitting to the people of North Dakota a constitutional amendment?

Mr. HART. A resolution, not a statute. A resolution has been passed, sir.

Senator O'MAHONEY. A resolution. And it will be submitted at the time of your amendment?

Mr. HART. May I make one quick check, please?

Senator O'MAHONEY. Surely.

Mr. HART. That has been passed, has it not?

Mr. ONSRUD. That is our understanding, sir.

Mr. HART. It is my understanding that it was passed a couple of days ago.

Senator JOHNSTON. Does that just leave discretion with the legislature?

Mr. HART. That is correct, sir. The resolution does not automatically accept jurisdiction for the State of North Dakota. It permits the State legislature to accept jurisdiction in its discretion, sir.

Senator O'MAHONEY. Well, the submission of this amendment does not in itself constitute a decision by the State of North Dakota whether or not it desires to assume jurisdiction?

Mr. HART. No, sir.

Senator O'MAHONEY. Does the State of North Dakota take any official notice of the fact that the Public Law 280 of the 83d Congress did not recognize any right in the Indians to accept or reject the transfer of jurisdiction?

Mr. HART. We did not. We consider that a No. 2 problem. That will come later.

At the present time, the State legislature does not have authority to consider that problem. So we have not gone into it, sir.

Senator O'MAHONEY. Are you aware that two bills have been introduced in the Senate this year amending Public Law 280 in order to provide that the consent of the Indians must be obtained before there can be any transfers of jurisdiction over such civil and criminal matters to the State authorities?

Mr. HART. I am, sir.

Senator O'MAHONEY. Are you aware of the fact that the Bureau of Indian Affairs at a recent meeting of the subcommittee of the Committee on Indian Affairs having jurisdiction of Indian matters has advised the Congress that a modification of that law, or proposed amendment, is now under consideration to be recommended by the Department of the Interior?

Mr. HART. I am, sir.

Senator O'MAHONEY. Very good. That clears my mind.

Now, you may proceed, sir.

Mr. CHUMBRIS. Yes, sir.

Mr. LEWIS. Mr. Chairman?

Senator O'MAHONEY. Yes, indeed, Mr. Secretary.

Mr. LEWIS. I think I might be of some assistance in view of the tenor of the questions that have come up here. I think I could clarify something in answering a portion of the question that was originally put to me. There is a portion of that question that I can answer categorically. The other portion, of course, is a question that I am still in a position as I stated then on.

As far as the Department of the Interior is concerned, we feel, and we take it as our full responsibility to provide law enforcement on an Indian reservation.

Senator O'MAHONEY. Then I take it that you accept full responsibility for law enforcement on the reservations in North Dakota?

Mr. LEWIS. That is correct, now that we find by reason of this recent Court decision that that responsibility is not in the State, which was believed to be the fact for a while.

Senator O'MAHONEY. Then what can you testify to this committee now about the condition of law violation among juvenile delinquents on the reservations in North Dakota?

Mr. LEWIS. Well, my information, of course, is not first-hand. As I understand the situation at the present time with respect to law enforcement generally on reservations in North Dakota, it needs improving.

Senator O'MAHONEY. Of course, I can understand that in your position as Assistant Secretary in Charge of Land Management, you might not have detailed information with respect to the law enforcement upon Indian reservations.

Is there any member of the staff of the Bureau of Indian Affairs here who can testify on that point?

Mr. LEWIS. Mr. Emmons can advise me.

Mr. EMMONS. Mr. Bengé is here.

Senator O'MAHONEY. Will you identify yourself, Mr. Bengé?

Mr. BENGE. My name is William B. Bengé, sir. I am Chief of the Branch of Law and Order of the Bureau of Indian Affairs.

Senator O'MAHONEY. Now, I do not want to interfere with your presentation, Mr. Counsel.

Mr. CHUMBRIS. That is perfectly all right, Mr. Chairman.

Senator O'MAHONEY. So you may proceed now.

Mr. CHUMBRIS. I want to ask you one question, Mr. Lewis.

Your statement that the Federal Government is willing to assume the jurisdiction of law and order over the Indians in North Dakota in view of the Supreme Court decision that was recently handed down—did that mean that you will undertake to take over law and order on the Fort Totten Reservation?

Mr. LEWIS. Yes.

That was only brought to my attention within the last week, and at that time I was advised that there was very definitely a legal question as to whether or not we have the authority, in view of the passage of this act, to exercise jurisdiction on the reservation. Nevertheless, the State supreme court having said, in quite a clear-cut way, that

the State did not have authority to exercise jurisdiction, it was my opinion, from an administrative point of view, and my decision from that point of view, that until a court told the United States that it could not exercise jurisdiction, the United States should.

Senator O'MAHONEY. Mr. Secretary, until the State actually assumes jurisdiction, the Bureau of Indian Affairs could not have surrendered it, could it?

Mr. LEWIS. This, as I understand it, is not the 280 that we are speaking of. It is another act that applies to just this reservation. Congress passed an act by which it apparently divested itself of jurisdiction for law enforcement on this particular reservation and gave it to the State.

The State supreme court said, "You are not successful in giving it to us"—

Senator O'MAHONEY. Pardon me just a minute.

Mr. Attorney, where is that act, and what act is it?

Mr. CHUMBRIS. That is 60 Statutes at page 229, passed on May 31, 1946, which the Federal Government relinquished jurisdiction as to the Fort Totten Reservation only to the State of North Dakota.

Senator O'MAHONEY. Which gave what? Transferred the jurisdiction to the State?

Mr. CHUMBRIS. That is right; from the Federal Government to the State for the Fort Totten Reservation only, which is the Devils Lake Reservation in Benson County. And on the basis of that statute, the Benson County officials assumed jurisdiction from 1946 until 1954, when a court test went to the supreme court, and from that time on, they had—

Senator O'MAHONEY. So that there was, in compliance with the statute of the United States, an actual transfer from the United States Government to the State government, which the State accepted, but which has been since overthrown by decision of the supreme court.

Mr. CHUMBRIS. A 3 to 2 decision; yes, sir.

Senator O'MAHONEY. So that the Bureau of Indian Affairs was not at fault at all in abandoning the enforcement on this reservation?

Mr. CHUMBRIS. That is correct, Mr. Chairman, except for one thing. Since September 30, which is the date that the attorney general of North Dakota ruled that the State had no jurisdiction, the Department of the Interior took the position that it had divested itself of jurisdiction irrespective of the attitude of the State of North Dakota on the problem, and from September 30 until today, there has been no law and order in the Indian reservation.

Senator O'MAHONEY. Now, that raises the simple question, which I think is the thing in issue. I think this is the point at issue here, whether or not the Bureau of Indian Affairs now believes that in the light of the decision of the Supreme Court of the State of North Dakota that the transfer cannot be legally made to the State, that the Bureau of Indian Affairs is ready to reassume jurisdiction to enforce law and order.

Mr. LEWIS. That is correct.

Senator WILEY. Isn't there a Federal question there, too?

Mr. LEWIS. There is a Federal question.

Senator WILEY. Has it gone to the Federal court?

Mr. LEWIS. It has not gone to the Federal court.

Administratively, when it was brought to my attention, I advised with the Bureau of Indian Affairs and with the Solicitor's Office concerning the question. The Solicitor's Office had a very decided question as to whether or not there was any authority in the Federal Government. On the other hand, I felt that, being an administrator, it was necessary to resolve this problem, and I came to the conclusion that one court having decided that one branch of the Government could not handle it, and no court having decided that the other one could not handle it, that certainly the one that still had some color of authority ought to exercise it until some defendant might determine through the courts that this branch of the Government had no authority.

In the meantime, I think that a recommendation should come from our Department to the Congress as to some method of solving the problem legislationwise.

Senator O'MAHONEY. In other words, like nature, the Bureau of Indian Affairs and the Department of the Interior now abhor a vacuum?

Mr. LEWIS. Right.

Senator O'MAHONEY. And you are ready to step in?

Mr. LEWIS. Right, sir.

Senator O'MAHONEY. Has any legal officer of the United States advised you that you could not step in?

Mr. LEWIS. No, I have not had a concrete opinion. I have had an informal opinion that it appears that the United States might well have divested itself of authority. I have not asked for a formal opinion at this time.

Senator O'MAHONEY. Well, you are not ready to recommend to this committee that the statute, Sixtieth United States Statutes at Large, page 229, should be repealed?

Mr. LEWIS. I am in this position now, this having been considered so recently, that I am trying to determine through the Solicitor's Office whether the statute should be amended in some manner or repealed, or whether there is some method of determining, by court action, whether or not the decision of the Supreme Court of North Dakota is correct or whether or not we still have authority.

Senator O'MAHONEY. But in the meantime, violations of law are taking place?

Mr. LEWIS. And we are now assuming jurisdiction.

Senator O'MAHONEY. What have you done to assume that jurisdiction?

Mr. LEWIS. Absolutely nothing at the present time. I decided this yesterday when it was brought to my attention.

Senator O'MAHONEY. When will action be taken?

Mr. LEWIS. I am unable to answer that offhand, but I would say with some degree of promptness. I think——

Senator O'MAHONEY. Do you have any representatives of the Bureau of Indian Affairs in the vicinity of North Dakota who would be capable of taking over?

Mr. LEWIS. Would you answer that question for us?

Mr. BENGE. If I may, Mr. Chairman, we have a law enforcement officer stationed near there who can be detailed over to the reservation, and we can act promptly to get a judge in those cases where

we will need to take criminal action immediately. And this morning I called our Aberdeen area office and advised them of the fact that Mr. Lewis had made this decision yesterday, and that they should hold themselves in readiness to move in immediately, because the situation was getting bad and needed some prompt action.

Senator O'MAHONEY. May I then ask the Senators from North Dakota, you, Senator Langer, first, whether it would be agreeable to the people of North Dakota, in your opinion, to have the Indian Bureau take this action immediately?

Senator LANGER. Yes.

Might I say, Mr. Chairman, that there are four Indian reservations in North Dakota. The statute passed in 1946 applied only to the Fort Totten Indians. It did not apply to the Standing Rock Reservation or the Fort Berthold Reservation.

It has always been the position of North Dakota that that is the job of the Federal Government. Now, the amount of men that they have out there, this investigation showed, is totally inadequate. As Mr. Hart can tell you, there is no law enforcement at all at the present time, not only on the Fort Totten one involved in the statute passed in 1946 but on Standing Rock and Fort Berthold, and the result has been that these Indians are running wild out there. People are carrying guns. People are afraid, and—

Senator WILEY. Is that statement correct, that 3 out of the 4 you know you have jurisdiction on?

Mr. LEWIS. That is correct.

Senator WILEY. And on the fourth one, there is still a question. Supposing someone is arrested. He talks about a court. I suppose some smart lawyer would immediately raise a question of jurisdiction.

Mr. LEWIS. I have no doubt of that.

Senator WILEY. Why can't you get this case into Federal court and get disposition of it?

I think, Mr. Chairman, that we should have in this record the decision of the Supreme Court of North Dakota so that we can see the logic of it. I am sure it is a very interesting question that we have here.

Senator O'MAHONEY. May I ask this question, then, Mr. Lewis: What, if you know, did the budget recommend for the Bureau of Indian Affairs for law enforcement this year which would be available in these North Dakota reservations, and what was the appropriation that was made for the present fiscal year? In other words, do you have enough money to go in now and preserve law and order on the reservations over which you really have control, or will you need more money?

Mr. LEWIS. We will need more money.

Senator O'MAHONEY. Did you ask the Bureau of the Budget for more money than you received?

Mr. LEWIS. Do you have those figures there?

Mr. GREENWOOD. Yes.

Mr. LEWIS. Yes, we did.

Senator O'MAHONEY. How much?

Mr. LEWIS. We asked for \$414,800, and we were given \$337,070, which was the amount appropriated by Congress, approximately, in the previous 3 years.

Senator O'MAHONEY. And that is the total sum for law enforcement in all Indian reservations, is it?

Mr. LEWIS. That is correct, for those except the 10 major crimes. The 10 major crimes, as I understand, are enforced through the United States Marshal's office.

Senator O'MAHONEY. What have you to say, or any of your representatives, with respect to law enforcement on the Indian reservations over which you do have jurisdiction, with this appropriation?

Mr. LEWIS. I have two things to say: First, there is not enough money to do the job properly; and second, from what I can learn about it, the law under which we act is not very satisfactory. There is a hole, you might say, in the law.

We have the 10 major crimes taken care of satisfactorily. They are handled through the United States marshal's office. Then what you might speak of as the minor crimes are handled either through Indian courts, which are set up by the Indians themselves under their charters, or through departmental courts, which, to all intents and purposes, are somewhat similar.

Those are managed by the Indians, and in the first instance the Indian courts are to a great extent furnished their funds by the Indians. With the departmental courts, those funds come from the Department.

The difficulty lies in the fact that in many instances the Indian tribes are not particularly interested in this system, and the net result is that you do not have the character of enforcement that you would have if a different attitude were true.

I am not criticizing them. It is really a state of developement, you might say.

Senator O'MAHONEY. But you do say, Mr. Lewis, that the present law is inadequate?

Mr. LEWIS. I do.

Senator O'MAHONEY. Have you made any recommendation to the Congress for any amendment of that law?

Mr. LEWIS. I can't answer the question.

Senator O'MAHONEY. Mr. Emmons, has any recommendation been made during your regime?

Mr. EMMONS. No, Sir.

Senator O'MAHONEY. Mr. Greenwood, has any recommendation been made previously?

Mr. GREENWOOD. No, sir.

Senator O'MAHONEY. May I ask, therefore, that the Department of the Interior take this matter under consideration immediately and advise the chairman of the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee what changes the Department will desire to recommend in this basic law?

Mr. LEWIS. We will be more than glad to do so, Mr. Chairman. I was glad to learn about the problem myself, and I certainly will.

Senator O'MAHONEY. Will you at the same time review this matter of expense and show this committee and the Interior Committee what the enforcement needs are by way of personnel and by way of money, so that an opportunity may be created to present that matter to the Appropriations Committees of Congress?

I think it is quite conceivable that if the Bureau of the Budget is not willing to give the Bureau of Indian Affairs sufficient money to preserve law and order on the Indian reservations, the Appropriations Committees may be quite willing to do that, and certainly it would be my disposition to help you to secure such appropriation if the cause needs it.

(The information was submitted at a later date and reads as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 14, 1955.

HON. ESTES KEFAUVER,

*Chairman, Senate Subcommittee on Juvenile Delinquency,
Washington 25, D. C.*

MY DEAR MR. KEFAUVER: In compliance with the request of the subcommittee at a recent hearing, there is submitted herewith an estimate of the amount of money needed to do an adequate and effective job of maintaining law and order on Indian reservations.

As brought out at the hearing before your subcommittee, law enforcement work on many Indian reservations has been unsatisfactory and continues to grow worse. Funds appropriated in recent years have not permitted the employment of even a minimum staff on those reservations where the problem of law enforcement is critical, and the lack of funds for travel expenses, operating expenses, and replacement of wornout equipment has prevented an effective job by the staff we have.

The estimate enclosed is a revision of one presented to the Senate Committee on Appropriations at the committee's request in 1950. (See hearings before a subcommittee of the Committee on Appropriations, United States Senate, 81st Cong., 2d sess, pt. 2.) The enclosed estimate has been revised so that it represents the needs only on those reservations where law enforcement conditions have been unsatisfactory for lack of funds or where the tribes have protested use of their own funds for enforcement of departmental regulations. No request has been included for funds to be used on those reservations where the Indian tribes themselves are willing and able to use, and are using, tribal funds to defray the costs of law enforcement.

The estimate includes funds for the law and order activity under the education and welfare services appropriation and for jail and courtroom facilities under the construction appropriation.

LAW AND ORDER ACTIVITY

The present estimated need for adequate law enforcement on Indian reservations is \$1,330,700. However, this estimate is reduced by \$123,000 for the fiscal year 1956 due to anticipated delay in recruiting new personnel, leaving the appropriation required in 1956 at \$1,207,700. Since the regular budget estimate, now before the Congress, includes \$337,070 for law enforcement work, an additional amount of \$870,630 will be required to enable the Bureau to meet the full need for the fiscal year 1956. This amount includes \$207,115 for nonrecurring equipment required for the first year (1956) of the accelerated program which will be substantially reduced for future years.

The estimate includes the sum of \$50,000 to be used for the purpose of lending financial assistance to Klamath County, Oreg., in the law-enforcement program on the Klamath Indian Reservation. The act of August 15, 1953 (67 Stat. 588), conferred civil and criminal jurisdiction over that reservation on the State of Oregon. Klamath County, which is charged with the responsibility of enforcing the laws of Oregon on the Klamath Reservation, has advised the Bureau that it will need financial assistance in the amount of \$140,000 between July 1, 1955, and August 13, 1958, to discharge this responsibility, and in connection with juvenile delinquency. No formula has been worked out nor agreement reached between the Bureau of Indian Affairs and the county to serve as the basis for determining the amount of financial assistance which should be given to the county. The amount of \$50,000 is considered adequate to furnish the assistance in fiscal year 1956 on whatever basis may be agreed upon.

CONSTRUCTION, JAIL, AND COURTROOM FACILITIES

Lack of facilities for incarceration of prisoners is a serious handicap to law enforcement and where no facilities are available law enforcement becomes an almost impossible task. It is estimated that an amount of \$1,416,450 is needed to provide these facilities for the accelerated law-enforcement program on Indian reservations. The enclosed statement indicates the location where the facilities are needed.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

BUREAU OF INDIAN AFFAIRS

Statement of requirements for law and order activities on Indian reservations, for fiscal year 1956

	Personal services										Expenses and equipment					Total			
	Special officers		Police, GS-4		Judges (ungraded)		Court clerks, GS-3		Jailers, GS-3		Cooks, GS-2		Cars		Equipment		Travel and other	Jails, care of prisoners	
	Grade	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount						
Alaska.....	(11-GS-11..... (11-GS-9.....	2	\$14,424										2	\$2,800		\$5,376		\$22,600	
Aberdeen:																			
Area office.....	GS-11.....	1	6,340										1	1,400	\$260	2,500		10,500	
North Dakota:																			
Devils Lake.....	GS-7.....	1	4,205		\$6,350	1	\$1,000			1	\$2,950		3	4,200	95	3,800	\$5,000	27,400	
Fort Berthold.....	GS-7.....	1	4,205	9	28,575	3	3,000	2	\$5,900	1	2,950		10	14,000	570	10,800	5,000	75,000	
Standing Rock.....	GS-7.....	1	4,205	10	31,750	3	3,000	2	5,900	1	2,950		11	15,400	595	11,800	6,000	81,000	
Turtle Mountain.....	GS-7.....	1	4,205	4	12,700	2	2,000	1	2,950				5	7,000	145	5,800	6,000	40,800	
South Dakota:																			
Cheyenne River.....	GS-7.....	1	4,205										1	1,400	220	1,800	7,025	21,200	
Crow Creek.....	GS-7.....	1	4,205	2	6,350	1	1,000						3	4,200	145	3,800	1,500	21,200	
Lower Brule.....	GS-7.....	2		2	6,350	1	1,000						2	2,800	150	2,000	1,500	13,800	
Pine Ridge.....	GS-7.....	1	4,205	5	15,875					1	2,950	1	2,750	6	8,400	270	6,800	3,000	44,250
Rosebud.....	GS-7.....	1	4,205	6	19,050	1	1,000	1	2,950	1	2,950	1	2,750	9	9,800	270	7,800	1,500	52,275
Sisseton.....	GS-7.....	1	4,205										1	1,400	115	1,800	2,600	9,550	
Total.....		10	44,185	40	127,000	12	12,000	6	17,700	5	14,750	2	5,500	70,000	2,865	58,700	31,500	384,200	
Billings:																			
Area office.....	GS-11.....	1	5,940										1	1,400	160	2,500		10,000	
Montana:																			
Blackfeet.....	GS-7.....	1	4,205	2	6,350								3	4,200	395	3,800	2,500	21,450	
Crow.....	GS-7.....	1	4,205										1	1,400	95	1,800	7,500	7,500	
Fort Belknap.....	GS-7.....	3		3	9,525	2	2,000	2	5,900				3	4,200	825	3,000	3,000	27,950	
Fort Peck.....	GS-7.....	1	4,205										1	1,400	95	1,800	7,500	7,500	
Northern Cheyenne.....	GS-7.....	2		2	6,350	1	1,000						2	2,800	150	2,000	2,000	14,300	
Wyoming: Wind River.....	GS-7.....	1	4,205										1	1,400	95	1,800	7,500	7,500	
Total.....		5	22,760	7	22,225	3	3,000	2	5,900				12	16,800	1,315	16,700	7,500	96,200	

[illegible]

¹ Aid to Klamath County, Oreg., for law enforcement on Klamath Reservation pursuant to act of Aug. 15, 1953 (Public Law 280, 83d Cong.).

Summary

Personal services-----	\$778, 774
Cars-----	198, 800
Equipment-----	8, 815
Travel and other expenses-----	195, 811
Jails and care of prisoners-----	99, 000
Total-----	1, 280, 700

Aid to Klamath County, Ore., for law enforcement on Klamath Reservation pursuant to act of Aug. 15, 1953 (Public Law 280, 83d Cong.)--	50, 000
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Estimated amount needed to enable adequate Indian reservation law enforcement work (estimate includes positions and amounts of money presently authorized by Congress)-----	1, 330, 700
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Required construction for law and order activities on Indian reservations, fiscal year 1956

Aberdeen area :

Crow Creek Indian Agency, Lower Brule, jail with 6 cells, jailers' quarters, courtroom, and meal-serving facilities-----	\$47, 000
Rosebud Indian Agency, jail with 16 cells, jailers' quarters, courtroom, and meal-serving facilities-----	58, 100
Turtle Mountain Consolidated Indian Agency, jail with 12 cells, jailers' quarters, courtroom, and meal-serving facilities-----	50, 000

Billings area :

Crow Indian Agency, repairs to existing jail-----	8, 000
Flathead Indian Agency, jail, 12 cells, jailers' quarters, meal-serving facilities, and courtroom-----	50, 000
Fort Belknap Consolidated Indian Agency, jail, 12 cells, jailers' quarters, meal-serving facilities, and courtroom-----	48, 000
Northern Cheyenne Indian Agency, remodel former nurses home into jail-----	25, 000

Gallup area :

Navaho Indian Agency :

Fort Defiance, remodel present jail and courtroom facilities to provide additional space as well as quarters and juvenile detention facilities-----	\$293, 350
Shiprock, new construction, jail facilities for 44 male, 6 female prisoners, food handling, office and courtroom space, and quarters-----	130, 000
Tuba City, new construction, jail facilities for 12 male, 4 female prisoners, food handling, office and courtroom space, and quarters-----	101, 000
Chinle, new construction, jail facilities for 12 male, 4 female prisoners, food handling, office and courtroom space, and quarters-----	101, 000
Kayenta, new construction, jail facilities for 12 male, 4 female prisoners, food handling, office and courtroom space, and quarters-----	101, 000
	726, 350

Phoenix area :

Hopi Indian Agency, construction of jail, including office space courtroom space, and quarters-----	50, 000
Nevada Indian Agency, Duck Valley Reservation, jail with cells for male and female, jailers' quarters, and meal-serving facilities-----	55, 000
Papago Indian Agency, jail, 20 cells, jailers' quarters, meal-serving facilities, police quarters, and courtroom-----	50, 000
Pima Indian Agency, jail, 20 cells, jailers' quarters, and meal-serving facilities-----	50, 000

Portland area :

Colville Indian Agency, jail with cells for male and female, jailers' quarters, and meal-serving facilities-----	55, 000
Fort Hall Indian Agency, jail with cells for male and female, jailers' quarters-----	44, 000
Northern Idaho Indian Agency, jail with cells for male and female, and jailers' quarters-----	45, 000
Warm Springs Indian Agency, jail with cells for male and female, meal-serving facilities, and jailers' quarters-----	55, 000
Total-----	1, 416, 450

Mr. LEWIS. Thank you, Mr. Chairman.

In connection with this, and I believe you would be interested in it, I would like to call your attention to a situation that existed some time ago when this question arose, and the Department was requested at that time to furnish somewhat similar information to that which you have referred to.

Senator O'MAHONEY. From what are you reading?

Mr. LEWIS. I am reading from the Interior Department appropriations for 1951.

Senator O'MAHONEY. Before the Senate or the House?

Mr. LEWIS. Before the Senate. This is part II, and I am reading commencing on page 1873. The Department at that time was requested to analyze what increase would be necessary, and that, as I say, was the year 1951. In that particular year, the Department had requested \$431,000 odd, and had been granted by the Bureau of the Budget the right to request \$368,000. And this question came up through Senator Gurney. He said: "Well, I think this committee, Mr. Chairman, ought to request from Commissioner Nichols a statement as to how much money is necessary to give us the proper law and order on these reservations. We cannot have murderers going unapprehended."

And following that, a breakdown was given. This breakdown showed that the need was \$1,465,019 for personal services and other expenses, and in addition, \$1,522,400 for construction, that is to say, jails and the like.

Senator O'MAHONEY. Well, that may all be made a part of the record. It is not necessary to read it now.

My question to you was intended to secure the recommendation of the present Bureau of Indian Affairs and the present Interior Department, so that we may have the latest judgment on this matter in the light of what has been transpiring.

Mr. LEWIS. I appreciate that, Mr. Chairman, and we will furnish it. However, if I may complete the statement, I would like to say that after furnishing that information, the Department then received by way of appropriations \$295,033.

Senator O'MAHONEY. So that you were cut down by the Bureau of the Budget first and by the Congress next?

Mr. LEWIS. Yes.

Senator O'MAHONEY. Well, that is one of the problems of balancing the budget, a problem of which you have heard.

Senator WILEY. That is why the Indians are cutting up. You got cut down.

Senator LANGER. Mr. Chairman, I want to say that for the first time since I have been in the Senate we have an Indian Commissioner now in Mr. Emmons who is really cooperating. Mr. Emmons has taken various trips out there. He has tried to do a very fine job. There is not any question at all but if the Congress will give him money enough, he will do it.

But you see it is more than law enforcement. Under this Supreme Court decision, the State cannot take any part in general welfare, the matter of matching for old age assistance, and you get a matter of the public schools. You have a lot of children going to school there, and in a school district in one place they will get \$25 or \$35, as you gentlemen know, and in another place, where the average cost, like

in Mountrail County may be \$177, they give an Indian child \$35 or \$40 or \$50. And those school districts simply say under the Supreme Court decision, "We are not going to have these children come to school unless the Government pays what a white child pays."

Now, we have the head of the general welfare bureau here today, an unusually good man, and he will tell you all the hundreds of thousands of dollars that the State of North Dakota has spent in general welfare.

But under this Supreme Court decision, the question arises as to whether they can spend a single dollar. So when you come to this matter of your going to the Bureau of the Budget and getting money, you not only have law enforcement but you have general welfare and public schools in addition to it.

Do you agree with that, Mr. Lewis?

Mr. LEWIS. Yes.

Senator LANGER. So you see, it is a much more complex problem than just a matter of law enforcement.

Senator O'MAHONEY. That is perfectly obvious.

Senator LANGER. There were almost tears in Mr. Emmons' eyes when he was out there. He said, "Here is a great big Standing Rock Reservation covering North Dakota and part of South Dakota, and they give me two men to cover it."

Is that not right, Mr. Emmons?

You have a situation out there where the amount of help accorded them is totally inadequate. On the other hand, you have white folks living in there. The women are scared to death and, as I say, some men are carrying guns. And unless something is done and done rather rapidly, there is going to be a lot of trouble there.

We have the North Dakota men who can tell you the exact conditions, Mr. Chairman.

Senator Young is thoroughly familiar with the situation, and he will verify what I tell you.

Now, you take the jail at Fort Yates. Senator Kefauver and I inspected it. It is an absolute disgrace to a civilized country.

For example, on New Year's Night, Senator Kefauver and I found, they had 50 men and women in there. They had one toilet. They had them scattered in there promiscuously. There was nothing sanitary about it.

How did you describe that jail, Senator Kefauver? As the worst you had ever seen in all your life?

The CHAIRMAN. Yes. It did not have sufficient bedding. It was not cleaned up. There were no sanitary conditions. It was a disgrace.

Mr. LEWIS. Mr. Chairman, if I might, in view of your mentioning this, Senator Langer, work is being done looking to a correction of the situation in that jail. That work started early last fall, and the money is available, and that situation is being corrected. I thought I should mention that.

Senator O'MAHONEY. Let me say that I was so interested in what the witnesses were saying, and the questions, that I did not observe the chairman of this committee coming in. He came in on soft shoes.

Mr. Chairman, will you please assume the chair?

The CHAIRMAN. No. Senator O'Mahoney, I was necessarily delayed because of motor trouble with a plane, but unfortunately I

have not heard the other testimony. So I would appreciate it if you would continue to act as chairman.

I am sorry about the situation that delayed me.

Senator O'MAHONEY. Then, Mr. Attorney, we have a situation here in which the Department of the Interior has expressed its recognition of the problem and will submit its recommendations, both as to money and personnel and as to law.

No record has been made this afternoon with respect to the degree of law violation, and particularly with respect to juvenile violations. So if you care to proceed with that matter, I think it would be appropriate to put it in the record now.

Mr. CHUMBRIS. Thank you, Mr. Chairman.

Senator WILEY. It seems to me, Mr. Chairman, that under three-fourths of this, the trouble is with the Congress not appropriating adequate funds. As to one-fourth of it, I do not think we can settle anything until the matter gets into court. I have a decision here, 3 to 2. Three of them hold that North Dakota has no business in there, and two of them say it is all North Dakota's business. And there you have got it in a nutshell.

Senator O'MAHONEY. As you suggested a little bit earlier, suppose we make that opinion part of the record and not conceal it in your portfolio.

Senator WILEY. I conceal nothing, sir.

Mr. CHUMBRIS. We will have it marked as "Exhibit No. 2" for identification.

Senator O'MAHONEY. It may. It will be made a part of the record.

Mr. CHUMBRIS. Fine. Thank you.

(The decision referred to was marked "Exhibit No. 2," and reads as follows:)

EXHIBIT No. 2

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

STATE OF NORTH DAKOTA, PLAINTIFF, *v.* LEONARD LOUNES, DEFENDANT

1. This court will determine questions of law which have been passed upon and certified by the lower court when the issue in the case depends principally or wholly upon the construction of the law applicable thereto and such construction is in doubt and vital in the case.

2. In the construction of a provision in the constitution of this State the facts and purposes leading up to its enactment may be considered as an aid in determining the intention of the constitutional convention in the enactment thereof.

3. The purpose and intent of section 203, article XVI, constitution of North Dakota was, among other things, to reserve to the United States all jurisdiction necessary to fulfill its obligations under its treaties with the Sionx bands of Indians.

4. The obligations assumed by the United States with the Sionx bands of Indians included the duty to prosecute crimes, by or against Indians, committed upon an Indian reservation and jurisdiction for that purpose is reserved to the United States by section 203, article XVI, constitution of North Dakota.

5. Section 203, article XVI, constitution of North Dakota, is a compact between this State and the United States which may not be revoked or altered without the consent of the United States and the people of this State.

6. An act of Congress, which confers upon this State a part of the jurisdiction reserved to the United States under section 203, article XVI, constitution of North Dakota, is not effective to vest that jurisdiction in the State until the consent of the people has been obtained.

(Syllabus by the Court.)

Certified question of law from the County Court of Increased Jurisdiction of Benson County, BERT M. SALISBURY, *Judge*.

Opinion of the Court by GRIMSON, *J.*

Honorable PAUL BENSON, Attorney General, Bismarck, and Honorable MELVIN CHRISTIANSON, State's Attorney, Minnewaukan, for Plaintiff.

JOHN B. HART, Rolla, for Defendant.

CLYDE DUFFY, Devils Lake, Amicus Curiae.

STATE v. LOHNES

GRIMSON, *J.* This matter comes before us on a certified question under chapter 32-24, NDRS, 1913. An information was filed on the 25th day of October 1954 in the county court of increased jurisdiction of Benson County, N. Dak. The information charged the defendant with the commission of the crime of assault and battery. To this information the defendant entered a plea of guilty. Thereupon his attorney filed a motion in arrest of judgment on the ground that the court had no jurisdiction of the offense charged in the information for the reasons that the defendant and the complaining witness were both Indians enrolled upon the records of the Devils Lake Sioux Indian Reservation as members of the Devils Lake Sioux Indian Tribe and wards of the Government of the United States of America; that the offense charged "was committed on lands allotted to an Indian, the title to which is held in trust by the United States of America and is within the exclusive jurisdiction of the Government of the United States of America".

Thereafter the attorneys filed briefs and argued the motion before the court.

On November 23, 1954, the court denied the motion. Counsel, both for the State and the defendant, then made application to the court for the certification to the Supreme Court of the following question:

"Does the Benson County court, being a court of increased jurisdiction, have jurisdiction over the offense charged in the information filed herein in view of the organic law (ch. 86, 12 U. S. Stat. 239), the Enabling Act (25 U. S. Stat. 676) article 16, section 203, of the constitution of North Dakota, the act of Congress of May 31, 1946 (60 Stat. 229), the act of Congress of February 19, 1864 (15 Stat. 505), the act of Congress of February 14, 1873 (17 Stat. 456), and the act of Congress of June 24, 1874 (18 Stat. 167)."

The court granted the application and certified the question to us for determination, "because this is a public question of great importance to the Indian People of the Fort Totten Indian Reservation, and to the law enforcement officials and the courts of Benson County, N. Dak., and because there is an issue of law involved in this case, the interpretation of which is in doubt and vital, and principally determinative of the issues in this case, * * *".

It appears clearly that the proceedings were in accordance with the requirements of chapter 32-24, NDRS, 1913. *State v. Elkin* (68 N. D. 93, 277, N. W. 89). We will therefore proceed to answer the question.

What is now North Dakota was in early times occupied and controlled by bands of roving Sioux Indians.

On March 2, 1861, Congress enacted chapter 86, 12 United States Statutes at Large, page 239, providing for the organization of the Territory of Dakota and for temporary government thereof. That statute is known as the organic law. Among the provisions thereof is the following:

"*Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, * * * or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the Government to make if this act had never passed. * * *"

In 1867 the Devils Lake Indian Reservation was established by a treaty with the Sisseton and Wahpeton Bands of the Dakota or Sioux Indians. According to that treaty those bands had been friendly during the Sioux Indian outbreak in 1862 and had been of assistance to the United States. Furthermore, Sioux annuities and reservations had been confiscated without any provision having been made by Congress for the support of those friendly bands who had consequently suffered from want of subsistence and clothing. Now they had asked, through their representatives, for recognition and some help to enable them to take up agricultural life. In consideration of these matters the Devils Lake and other North Dakota reservations were set up for those friendly bands of

Indians. In that treaty provisions were made for the gradual allotment of such lands to individual Indians who desired to engage in agriculture and funds were to be provided for their needs and assistance in making such change in their method of living. Provision was also made authorizing the Indians to adopt rules and regulations for the security of their lives and property and for the advancement of the civilization and agricultural prosperity of members of said bands. All such rules, however, were subject to the sanction of the government agent. This treaty was ratified by the act of Congress April 15, 1867 (15 U. S. Statutes at Large, p. 505).

On June 7, 1872, that treaty was amended to include a provision in which these bands of Sioux Indians ceded, sold, and relinquished to the United States all their right, title, and interest in the territory described in the treaty of April 15, 1867, excepting therefrom that portion particularly described as a permanent reservation for occupancy and cultivation by them which was at that time being occupied and allotted to them under that treaty. In consideration of the amended treaty, an appropriation was made for the payment of the first installment of \$80,000 to be used for the development of farming and civilization on the reservation (17 U. S. Statutes at Large, p. 456). A second installment payment under the treaty of April 15, 1867, was made by the act of Congress of June 22, 1874 (18 U. S. Statutes at Large, p. 167). No other promises were made to the Indians in those treaties as to the disposition or government of the lands ceded.

By these various acts the Devils Lake Sioux Indian tribes ceded to the United States all their right, title, and interest to the lands constituting the Devils Lake Sioux Indian Reservation and Congress was given absolute authority not only over the lands but also over the Indians occupying them as shown by the provision of the organic law heretofore quoted.

In 1889, Congress provided for the division of the Territory of Dakota into two States, North Dakota and South Dakota, and for the admission into the Union of North Dakota, South Dakota, Montana, and Washington (25 U. S. Statutes at Large, ch. 180, p. 676). This law, known as the Enabling Act, provided for the holding of constitutional conventions in the different States and made provisions for the States to be admitted into the Union "on an equal footing with the Original States."

It is also provided therein :

"And said convention shall provide, by ordinances irrevocable without the consent of the United States and the people of said States :

"First, * * *

"Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes: and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, *and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States*; * * *"

Then follow provisions to keep said lands tax exempt except as provided in the act or by other acts of Congress.

In accordance therewith article XVI, section 203, of the constitution of North Dakota provided the following with the same preamble of irrevocability :

"The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, *and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States*; * * *"

It is contended on behalf of the defendant that because of the provisions in the enabling act and the constitution, which we have underlined, North Dakota has no jurisdiction in any manner over the Indian lands or the Indians on the reservation.

Montana and South Dakota, admitted under the same enabling act as North Dakota, have the above provision in their constitutions. Different aspects of the question here involved have been before the Federal courts and the courts of these States.

A study of those sections of the enabling act and the constitution and the interpretation thereof as given in those cases shows that Congress retained for the United States, and the people of North Dakota disclaimed all right, title,

and interest to the unappropriated public lands and to the Indian lands within the State and that it was agreed that such Indian lands should remain subject to the disposition and control of the United States and should never be taxed as long as the title remained in the United States.

There is no reservation, however, of jurisdiction or control in the United States over any part of the unappropriated public lands as distinguished from Indian lands. It has been repeatedly held that people settling on those public lands were subject to the laws of the State and that their personal property was subject to taxation. See *State v. Denoyer* (6 N. D. 586, 593, 72 N. W. 1014).

The meaning of the provision in the enabling act and the constitution that "said Indian land shall remain under the absolute jurisdiction and control of the Congress of the United States" is not so clear. That such provision was not necessary for the retention of title to those lands in the United States, or the disclaimer thereof by the State, is shown by the fact that such jurisdiction was not reserved over the unappropriated public lands.

To get the legislative intent in the use of that provision the facts existing as the background for its use may be considered. *Hochlinger v. Molzhon* (77 N. D. 108, 41 N. W. 2d, 217, 19 A. L. R. (2d) 1147; 16 CJS Constitutional Law, sec. 30, p. 68).

The United States had taken over possession of these lands from the Indians and in return had assumed obligations to help the Indians change from a nomadic life to a life of agriculture. The Government had bound itself by treaties to aid the Indians in the progress of that change in their habits of life and to protect them during that time. The Government had in a sense assumed the position of guardian of the Indian people. Under its guardianship the Government had to provide civilizing influences like schools and churches. It had to teach them the rudiments of agriculture and aid them in the development thereof. The Government had to protect them from being defrauded in their dealings with their more able and aggressive, white neighbors as long as they were not sufficiently advanced in their new method of life to take care of themselves. It also was the duty of the Government to see that justice prevailed if they got into trouble, either among themselves or with others. Finally the Government had agreed to allot those lands severally to the Indians when they were sufficiently advanced in civilization to take care of themselves.

This history must be taken into consideration in determining the meaning of the phrase "absolute jurisdiction and control over Indian lands." That means more than the title to the Indian lands which was secured for the United States in the first part of the section. On these lands the United States was caring for its wards, the Indians, and aiding them in acquiring the habits of civilization. During that time the jurisdiction over the Indians and their lands had been absolute in the United States. The organic law under which the Territory of Dakota was organized provided that nothing in the act should impair the rights of the Indians in the Territory or "affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property or other rights by treaty, law or otherwise, which it would have been competent for the Government to make if this Act had never passed. * * *" The provision in the enabling act and the constitution is that the title to the Indian lands shall "*remain* subject to the disposition of the United States and said Indian lands shall *remain* under the absolute jurisdiction and control of the Congress of the United States." Webster's New International Dictionary defines "remain" as "To continue unchanged in place, form or condition or undiminished in quality, or to abide; endure; last; continue;".

Undoubtedly Congress and the constitutional convention intended this reservation of jurisdiction over the Indian lands to cover jurisdiction over the Indian people living on them as well as the lands themselves as provided in the organic law. That was necessary in order to give the Government the opportunity to control and protect the Indian people living on them and thus carry out and fulfill its obligations under the treaties without hindrance.

There was sound reason for the reservation by Congress of jurisdiction over the Indians to that extent. The Indians had at least possessory rights over the lands constituting the Territory of Dakota. They had ceded those lands to the United States on the promise of the United States that they would be protected and aided in learning and becoming established in the new ways of life. The Government owed them that obligation. When viewed in this light it is clear that the Indians were the responsibility of the United States and that the United States would retain complete control over them and their lands until that obligation was fulfilled.

There also appears to have been a good reason why the members of the constitutional convention in behalf of their constituents were just as anxious to refrain from all responsibility for the Indians until the Government had fulfilled its obligations so that further guardianship was not necessary. During the time of that tutelage there would necessarily be considerable expense and trouble. During that time the State was prohibited from taxing the Indian lands and Indian property. There was good reason why the pioneers of Dakota were unwilling to assume any responsibility for the conduct and care of people in that state of embryo civilization then existing among the Indians.

The case of *State v. Denoyer* (6 N.D. 586, 594, 62 N.W. 1014), supports this interpretation. In that case Judge Bartholomew thoroughly reviews the situation regarding Indians at the time of the enactment of the constitution and the cases bearing on that section. After quoting the first part of the section he says:

"Thus far the statute is dealing with the title to the land only, and the unappropriated public lands and lands owned or held by an Indian or Indian tribes are placed upon the same basis or footing so far as the right of the United States to dispose, of the title is concerned. *But the statute immediately adds, 'and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States.'* This provision applies to the Indian lands only, and it is not confined to the matter of title. It deals with a jurisdiction that extends to the lands themselves, and must have intended a more enlarged jurisdiction than was conferred by the preceding language. * * * The reason which actuated Congress in thus retaining the broader jurisdiction over the Indian lands are perfectly apparent. These Indian lands are now universally held by the Indians under some treaty or contract with the United States, and common good faith required Congress to retain all the jurisdiction over these lands necessary to enable the United States to fulfill its treaty and contract obligations. Moreover, a well-recognized moral obligation rests upon the General Government to care for these unfortunate wards of the Nation. This duty cannot be performed unless the General Government retains the right to exclude the white race from the Indian lands; otherwise the Indian will be speedily dispossessed. Government must retain the power to establish agencies, erect school houses and churches, and introduce all desired civilizing influences, without being in any manner dependent upon the State. This increased jurisdiction was required for the best welfare of the Indian, and was in line with the Government policy which seeks to convert the nomadic savage into the civilized citizen." [Italics supplied.]

In the South Dakota case of *United States v. Ewing* (47 Fed. 809, 813), the Federal court says:

"The reservations and provisions found in the act creating the Territory of Dakota and the State of South Dakota, whereby there is reserved to the United States the absolute jurisdiction and control over the Indian lands, were unquestionably included therein for the purpose of preventing any question arising as to the continued power and control of the United States over the Indian country, such continued power and control being necessary to enable the United States to discharge its treaty obligations and duties to the Indians. It is argued by counsel that the reservations of absolute jurisdiction and control over the Indian lands contained in the omnibus act is to be confined to the mere matter of ownership of the title and control of the right of taxation, but such limited construction is not admissible. The reservation was meant to be as broad as the duty which the United States assumed in regard to these lands, which was to secure to the Indians the peaceful possession thereof as their home, and to protect their persons and property thereon."

Montana was admitted under the same enabling act as North Dakota and its constitution contains the same clause with regard to jurisdiction over Indian lands. In the case of *United States v. Partello* (48 Fe. 670), the court analyzes the meaning of those clauses.

While in the final decision in that case the court erred in holding that the jurisdiction retained by the United States was in excess of that necessary to perform its treaty obligations to the Indians, and included jurisdiction of crimes committed by non-Indians against non-Indians on Indian lands, we nevertheless believe the reasoning of the court is valid in demonstrating that the intention of the provision under consideration was to retain in the United States the jurisdiction to fulfill its treaty obligations by prosecuting crimes by and against Indians, when committed on Indian lands, the court said:

"The question here presented, is, what did Congress intend by the clause, 'and said Indian lands shall remain under the absolute jurisdiction and control

of the United States,' and what did the convention that framed the Montana constitution intend by it? * * * In the first part of the portion of section 4 of said act quoted above it appears that, as an individual proprietor, the United States was fully protected in regard to its rights to Indian lands, and the Indians were protected in their rights of occupancy. It does not seem that the clause under consideration could add anything to the rights of the United States in regard to these lands as a proprietor. * * * It was agreed by the ordinance above referred to that Congress was to retain the absolute jurisdiction and control over these Indian lands within the Indian reservations in Montana. The word 'jurisdiction' as used in the above clause, when applied to Congress, means the power of governing such lands; to legislate for them; the power or right of exercising authority over them. * * * When we say Congress has the right to legislate for a place within its exclusive jurisdiction, we mean for the people who are there, as well as concerning the land itself."

That this jurisdiction was limited to, and included jurisdiction to enforce all laws upon Indian lands insofar as required by its treaty obligations to the Indians, we think it well settled.

In *State v. Denoyer*, *supra*, Judge Bartholomew says:

"These authorities establish firmly the proposition that the jurisdiction reserved by the enabling act was not an exclusive jurisdiction. It did not take Indian lands out of the jurisdiction of the State where located, in the sense that the lands in another State are excluded. The United States retained all jurisdiction necessary for the disposition of the land and the title thereto; all jurisdiction necessary to enable it to carry out all treaty and contract stipulations with the Indians; all jurisdiction necessary to enable it to protect and civilize its unfortunate wards. But the State had jurisdiction to tax the property of its citizens within the reservation, to enter thereon for the purpose of enforcing, by levy and sale, and the collection of such tax. It had jurisdiction to punish its citizens for crimes committed one against the other thereon."

This holding was confirmed in *State ex rel. Baker v. Mountrail County* (28 N. D. 389, 393, 149 N. W. 120), where Judge Fisk, speaking for the court, says:

"While it still retains a limited or qualified jurisdiction for certain purposes over such lands, the Congress of the United States relinquished to the Territory of Dakota by the *organic act*, and to the State of North Dakota by the *enabling act*, all jurisdiction and governmental authority over these lands and the inhabitants residing thereon not this *specially reserved to itself*." [Emphasis supplied.]

Our latest holding on this matter is in *State v. Kuntz*, (— N. D. —, 66 N. W. 2d 531) where we said:

"State courts generally have jurisdiction over offenses committed on Indian reservations by persons who are not Indians against other persons who are not Indians" but "do not have jurisdiction over crimes committed on the Fort Berthold Indian Reservation by one who is not an Indian against one who is an Indian."

This court has also held that where others than Indians occupied the Indian lands they were subject to State laws. In *La Duke v. Melin* (45 N. D. 349, 177 N. W. 673) it is held that:

"Even if such lands be deemed part of an Indian reservation, the property of persons other than Indians situated thereon might be subject to taxation by the laws of this State."

In the case of *Anderson v. Brule County* (67 S. D. 308, 313, 292 N. W. 429, 431) the court says regarding this matter:

"That these and similar provisions in other enabling acts and constitutions of the several States were inserted for this purpose of maintaining ample supreme powers on the part of the United States to permit it to fully respond to its legal and moral obligations to the Indians rather than for the purpose of withholding power from the States to exercise jurisdiction over the reservations, and that it was intended the States should exercise a limited jurisdiction over Indian reservations within their exterior boundaries, are settled propositions, *Draper v. United States* (164 U. S. 240, 17 S. Ct. 107, 41 L. ed. 419); *Lebo v. Griffith*, *supra* (42 S. D. 198, 173 N. W. 840); *King v. McAndrews*, *supra* (C. C., 104 F. 430); *State ex rel. Tompton et al v. Deconyer, et al.* (6 N. D. 586, 72 N. W. 1014); *State ex rel. Baker v. Mountrail County* (28 N. D. 389, 139 N. W. 120); *Porter et al. v. Hall* (34 Ariz. 308, 271 P. 411); *Red Hawk v. Joines* (129 Ore. 620, 278 P. 572, 577, 31 C. J. 531)."

After reviewing the authorities on jurisdiction over Indian lands, Judge Bartholomew, in *State v. Denoyer*, *supra*, says:

"And the principle of these decisions logically and necessarily lead further, and give the State the right to extend to its citizens lawfully upon such Indian lands all the privileges and immunities of the laws of the State, where the same in no manner conflict with the reserved jurisdiction of the United States. And this construction places the enabling act in entire harmony with the Dawes bill." [Emphasis supplied.]

Other cases holding that all jurisdiction over Indian affairs on the reservation is reserved in Congress but all other matters are subject to the jurisdiction of the State are *Draper v. United States* (164 U. S. 240, 17 Sup. Ct. 107, 4 L. ed. 419) ; *State v. Monroe* 83 Mont. (556, 274 Pac. 840) ; *Truscott v. Hurlbut Land & Cattle Company* (73 Fed. 60).

The United States Government has pursued a policy of aiding the Indians and trying to prepare them for a life that would make them self supporting and dependent at which time United States obligations to the Indians would be completed.

On February 8, 1887, the Congress passed the so-called Dawes Act, chapter 119, 24 United States Statutes at Large, page 388, providing for the allotment of lands in severalty to Indians located upon a reservation. Under the terms thereof the Indians have made great advancement. *Swift v. Leach* (45 N. D. 437, 178 N. W. 437). That act provided for the issuance of trust patents to individual Indians, convertible into fee patents after 25 years, at which time the act declared such Indians to be citizens of the United States and subject to the laws, both civil and criminal of the State in which they resided. That affected only those who obtained such a patent fee. All other Indians on the reservation were still wards of the Government and subject to United States jurisdiction. *United States v. Nice* (241 U. S. 591) ; *Red Hawk v. Joines* (129 Oreg. 620, 278 Pac. 572).

The information in this case, after alleging the crime of assault and battery charges :

"That at said time and place and upon Indian land, the title to which is held in trust by the United States of America for the surviving heirs of the original allottee, one Frowning, The Indian title to which has not been extinguished, and which Indian allotment is located with the Devils Lake Sioux Indian Reservation and within the said county of Benson, the said Leonard Lohnes residing upon said reservation, did wilfully, wrongfully and unlawfully beat and slap one Mary Lohnes about the body with his hands, the said Leonard Lohnes and Mary Lohnes at said time both being enrolled Indians of the Devils Lake Sioux Indian Reservation and wards of the Government of the United States of America."

The defendant's plea of guilty to the charge contained that statement is an admission that he is a ward of the Government. Consequently, the reservation of jurisdiction and control over him is within the reservation of jurisdiction in the United States made in the enabling act and agreed to by the State in the Constitution.

It is contended, however, on behalf of the State in this case that Congress has by the act of May 31, 1946, transferred to the State concurrent jurisdiction over criminal offenses by or against Indians on the Devils Lake Sioux Indian Reservation. The act reads as follows :

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation in North Dakota to the same extent as its courts have jurisdiction generally over offenses committed within said State outside of Indian reservations; *Provided, however,* That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on said reservation, nor shall anything herein contained deprive any Indian of any protection afforded by Federal law, contract, or treaty against the taxation or alienation of any restricted property." 60 United States Statutes at Large, page 229.

While this grants the State only concurrent jurisdiction it does grant jurisdiction to the State over offenses committed by or against Indians on the reservations generally. It makes a change from the exclusive jurisdiction over Indians reserved in the United States by the enabling act, and granted by the Constitution. It transfers some of that exclusive jurisdiction from the United States to the State.

The enabling act provided that the constitutional conventions should enact certain ordinances under the condition that they should be "irrevocable without the consent of the United States and the people of such States." Section 4,

chapter 180, 25 United States Statutes at Large, 676. Article XVI of the constitution of North Dakota accepted that condition. One of the ordinances provided by the enabling act and enacted by the constitution under the condition is section 203, article XVI, North Dakota Constitution, heretofore quoted, including the provision "that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States." It was thereby required by Congress, agreed to by the constitutional convention and approved by a vote of the people in adopting the constitution that absolute jurisdiction and control of the Indian lands and people were retained in the United States and that that provision should not be changed without the consent of the United States and the people of North Dakota. That is a compact between the United States and the people of North Dakota that needs the consent of both parties for any change in the jurisdiction over Indians.

There was good reason for that agreement. Both parties should have a say in whether the Government had fulfilled its obligations and whether the Indians in North Dakota had become sufficiently advanced in civilization to become self-supporting, tax-paying citizens.

The act of May 31, 1946, conferring upon the State of North Dakota concurrent jurisdiction over all offenses by or against Indians on the Devils Lake Sioux Indian Reservation is a consent by the United States to that change in the original provision governing jurisdiction over the Indians. There is, however, no consent to that change by the people of North Dakota. Before that change as provided by the act of May 31, 1946, can become effective consent thereto has to be given by the people of North Dakota. Until that is done jurisdiction over the Indian offenses on the Devils Lake Sioux Indian Reservation is absolute in the United States.

It follows that the answer to the certified question must be, No. The county court of increased jurisdiction of Benson County, does not have jurisdiction in the case at issue.

G. GRIMSON,
NELS G. JOHNSON,
THOMAS J. BURKE, C. J.

STATE v. LOHNES

MORRIS, J. (dissenting.) On July 1, 1954, the defendant, Leonard Lohnes, committed assault and battery upon the person of Mary Lohnes. At the time of the assault both were enrolled Indians of the Devils Lake Sioux Indian Reservation and wards of the Government of the United States of America. The assault took place upon Indian land, the title to which is held in trust by the United States of America for the surviving heirs of the original allottee. This land was located within the Devils Lake Sioux Indian Reservation and the Indian title thereto had not been extinguished.

On May 31, 1946, the Congress of the United States enacted the following statute:

"That jurisdiction is hereby conferred on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation in North Dakota to the same extent as its courts have jurisdiction generally over offenses committed within said State outside of Indian reservations: *Provided, however,* That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on said reservation, nor shall anything herein contained deprive any Indian of any protection afforded by Federal law, contract, or treaty against the taxation or alienation of any restricted property." 60 United States Statutes at Large, page 229.

The Devils Lake Indian Reservation is "Indian country." Title 18, section 1151, U. S. C. A.

It is the general rule that the jurisdiction of a State extends over Indian country within its borders except as limited or reserved by Indian treaties or Federal laws. *State v. Jackson* (218 Minn. 429, 16 N. W. (2d) 752); *State v. Utch* (220 Minn. 431, 19 N. W. (2d) 706); *People v. Carmen* (Cal., 265 Pac. (2d) 900). See also *State v. Shoemaker* (73 S. D. 120, 39, N. W. (2d) 524).

On the other hand, it is the general rule that in the absence of legislation by Congress conferring jurisdiction upon State courts they have no jurisdiction of crimes committed by tribal Indians on Indian reservations. *State v. Rufus* (205 Wis. 317, 237 N. W. 67); *United States v. Kagama* (118 U. S. 375, 6 Sup. Ct. 1109, 30 L. Ed. 228); *Konaha v. Brown* (131 Fed. (2d) 737); *Williams v. United States* (327 U. S. 711, 66 Sup. Ct. 778, 90 L. Ed. 962); *Nepher v. State* (36 N. Y. Supp. (2d) 541, 178 Misc. 824); *State v. Kuntz* (— N. D. —, 66 N. W. (2d) 531).

But in the case before us we have the act of May 31, 1946, above quoted, which purports to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation. This jurisdiction is not exclusive but concurrent, and it would seem at this point that the statute settles the matter and that effective concurrent jurisdiction has been conferred upon the courts of North Dakota over offenses committed by or against Indians. But solution of our problem is not so easy.

It is pointed out that there is embedded in the enabling act which authorized North Dakota's admission into the Union and in the constitution of the State of North Dakota a disclaimer of jurisdiction "irrevocable without the consent of the United States and the people of this State" which it is contended prevents the effective vesting in the courts of North Dakota of criminal jurisdiction over the defendant in this case. Chapter 180, 25 U. S. Statutes at Large page 676, section 4; North Dakota constitution, section 203. I quote the paragraph containing the disclaimer from the State constitution:

"Second. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, *and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States*; that the lands belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by this State on lands or property therein, belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing in this article shall preclude this State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation as long, and to such an extent, as is, or may be provided in the act of Congress granting the same."

I have italicized the language which it is contended thwarts the vesting of criminal jurisdiction involved in this case.

The entire paragraph of the State constitution quoted above deals primarily with lands, not with people. It deals with the soil, not with those residing thereon. If people are affected, it is because of some rights which they have or duties that they owe arising out of or incident to their ownership or occupation of the lands. It is strenuously asserted that the italicized language was inserted for a purpose and must be given effect and to give it effect it must be construed to disclaim something more than the right and title to the land which was already under the exclusive ownership and jurisdiction of the United States. To this proposition I agree. But to give it effect does not require that it be construed to disclaim the sovereign police powers of the State or the right of the State to enforce its criminal laws wherever and whenever jurisdiction to do so has been relinquished to the State by the Federal Government.

It has long since been conclusively determined that the disclaimer in question was not territorial in import and effect. It did not exclude the jurisdiction of the State from the land as a territory within which the State might never exert its laws or make persons or property found therein amenable to its legal processes. It did not make Indian lands foreign soil with respect to the State and its courts. This was first determined in *Truscott v. Hurlbut Land and Cattle Company* (73 Fed. 60) which arose in the State of Montana. Montana was admitted to the Union under the same enabling act as North Dakota and its constitution contains the same disclaimer. In that case it was held that the disclaimer did not prevent the State of Montana or its counties from taxing cattle of a corporation grazing upon an Indian reservation under a contract with the Indians which was sanctioned by the United States.

Draper v. United States (164 U. S. 240, 17 Sup. Ct. 107, 41 L. Ed. 419), involving the murder of one Negro by another on the Crow Indian Reservation in the State of Montana. Draper was convicted in the State court. Upon review in the United States Supreme Court he contended that the enabling act and the disclaimer provision of the Montana constitution deprived the courts of the State

of jurisdiction over all offenses committed on the Crow Indian Reservation. In denying the contention the court said:

"As equality of statehood is the rule, the words relied on here to create an exception cannot be construed as doing so, if, by any reasonable meaning, they can be otherwise treated. The more reservation of jurisdiction and control by the United States of 'Indian lands' does not of necessity signify a retention of jurisdiction in the United States to punish all offenses committed on such lands by others than Indians or against Indians. It is argued that as the first portion of the section in which the language relied on is found, disclaims all right and title of the State to 'the unappropriated public lands lying within the boundaries thereof and of all lands lying within said limits, owned or held by an Indian or Indian tribes, and until the title thereto shall be extinguished by the United States, the same shall be and remain subject to the disposition of the United States,' therefore the subsequent words 'and said lands shall remain under the absolute jurisdiction and control of the United States,' are rendered purely tautological and meaningless, unless they signify something more than the reservation of authority of the United States over the lands themselves and the title thereto. This argument overlooks not only the particular action of Congress as to the Crow Reservation, but also the state of the general law of the United States, as to Indian reservations, at the time of the admission of Montana into the Union."

The court then discusses Indian allotment statutes and particularly the act approved February 8, 1887 (24 U. S. Statutes at Large, p. 388), which the court said "contemplated the gradual extinction of Indian reservations and Indian titles by the allotment of such lands to the Indians in severality." It also noted that Indians not residing on a reservation or for whose tribe no reservation had been provided were authorized to enter a designated quantity of unappropriated public land and to have patents therefor, under certain regulations and restrictions comparable to the allotments on reservations. Then the court says:

"From these enactments it clearly follows that at the time of the admission of Montana into the Union, and the use in the enabling act of the restrictive words here relied upon, there was a condition of things provided for by the statute law of the United States, and contemplated to arise where the reservation of jurisdiction and control over the Indian lands would become essential to prevent any implication of the power of the State to frustrate the limitations imposed by the laws of the United States upon the title of lands once in an Indian reservation, but which had become extinct by allotment in severalty, and in which contingency the Indians themselves would have passed under the authority and control of the State."

It seems clear that the court in *Draper v. United States* looked upon the disclaimer as pertaining to Indian lands and the rights incident thereto rather than as disclaiming complete jurisdiction over the Indians themselves to the extent of forever forswearing in behalf of the State the right to enforce its criminal laws or to assert its police powers.

The majority opinion quotes from the case of *United States v. Partello* (48 Fed. 670), in which it was held that the United States Circuit Court, District of Montana, rather than the courts of the State of Montana had jurisdiction over the crime of rape committed by a white man upon a white woman within the limit of the Crow Indian Reservation in the State of Montana. In so holding that case pursues to its logical conclusion the reasoning of the majority. But the case has been thoroughly discredited. Five years later the Supreme Court in *Draper v. United States*, supra, held that the State courts of Montana rather than the Federal court had jurisdiction of the crime of murder on this same Crow Indian Reservation by a Negro against another Negro.

The majority also quotes from *United States v. Ewing* (47 Fed. 809). It was there held that the United States district court had jurisdiction of an indictment against a white man for stealing the horses of an Indian on the Yankton Reservation in South Dakota. That decision is undoubtedly correct as to result but not as to the reason for it. The same result has been arrived at by the United States Supreme Court for different reasons where no disclaimer such as ours is involved. See *Donnelly v. United States* (228 U. S. 243, 57 L. Ed. 820, 33 Sup. Ct. 449, Ann. Cases 1913E 710). I have been unable to find where *United States v. Ewing* has been cited with approval.

In *Porter v. Hall* (34 Ariz. 308, 271 Pac. 411), the right to vote of certain Indians residing on reservations was challenged on the ground that they were not residents of the State of Arizona. The Enabling Act by which Arizona was admitted to the Union has a provision regarding Indian lands similar to ours

and contains this language: "that until the title of such Indian or Indian tribe shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States."

After quoting at length from *Draper v. United States* (164 U. S. 240, 17 Sup. Ct. 107, 41 L. Ed. 419), the Arizona court said:

"We have no hesitancy in holding, therefore, that all Indian reservations in Arizona are within the political and governmental as well as geographical, boundaries of the State, and that the exception set forth in our Enabling Act applies to the Indian lands considered as property, and not as a territorial area withdrawn from the sovereignty of the State of Arizona."

The second point in that case was based upon the argument that the Indians were not entitled to vote because they were under guardianship. The court reviewed cases holding that Indians are wards of the Nation and pointed out that the Federal statutes provide that Indians of the class of those under consideration, in case they commit a crime while on the reservation, are subject to the laws of the United States and not the laws of the State of Arizona and the court then said:

"And this is based on the fact that they are wards of the United States, and not that they are without the territorial jurisdiction of the State."

That is my position in this case. The Federal criminal jurisdiction exercised over Indians in North Dakota by the Federal Government is based on the status of Indians as such rather than upon the lands on which they reside. When that jurisdiction is relinquished it falls to the State which has general criminal jurisdiction within its borders.

In commenting on *Porter v. Hall, supra*, in *Harrison v. Larcen*, (67 Ariz. 337, 196 Pac. (2d) 456), it is said:

"The opinion in the last-mentioned case laid at rest the contention there made that members of Indian tribes residing on Indian reservations were not 'residents of the State of Arizona', as it was held that Indian reservations in Arizona are within political and governmental boundaries of the State, and limitations on State's jurisdiction in Enabling Act apply only to Indian lands considered as property, but do not withdraw territorial area from sovereignty of State and control of its laws."

In *State v. Denoyer* (6 N. D. 586, 72 N. W. 1014), this court held that under the act of February 8, 1887 (24 Stat. p. 388), Indians and persons of Indian descent residing upon lands allotted to them in severalty and upon which preliminary patents had been issued were citizens of the United States and qualified electors of the State and that it was the duty of the county commissioners of Benson County to establish a voting precinct for them which was on the Devil's Lake Indian Reservation and within the boundaries of Benson County. Thus the court reached the conclusion that the disclaimer under consideration did not affect the right or the duty of the county commissioners to establish on Indian lands a voting precinct in which the citizen residents of those lands might vote. In discussing the disclaimer the court says:

"This provision applies to the Indian lands only, and it is not confined to the matter of title. It deals with a jurisdiction that extends to the lands themselves, and must have intended a more enlarged jurisdiction than was conferred by the preceding language. Does it thereby create a jurisdiction as exclusive as in cases of lands ceded to the United States by a State for specific purposes, as hereinbefore considered? The reasons which actuated Congress in thus retaining the broader jurisdiction over the Indian lands are perfectly apparent. These Indian lands are now universally held by the Indians under some treaty or contract with the United States, and common good faith required Congress to retain all the jurisdiction over these lands necessary to enable the United States to fulfill its treaty and contract obligations. Moreover, a well-recognized moral obligation rests upon the General Government to care for these unfortunate wards of the Nation. This duty cannot be performed unless the General Government retains the right to exclude the white race from the Indian lands; otherwise the Indian will be speedily dispossessed."

Here, as in *Draper v. United States*, the court appears to have been in mind that by the provision under discussion there was placed beyond the power of the State any interference which would be detrimental to the Indians who occupied it with respect to their rights incident to or growing out of the land. The case is not authority for the proposition that the State disclaimed all jurisdiction with respect to crimes committed by Indians any more than it disclaimed

jurisdiction of the crime of murder committed on Indian land by one Negro against another, as was the fact in *Draper v. United States*, *supra*.

In *State ex rel Baker v. Mountrail County* (28 N. D. 389, 149 N. W. 120), the court had before it the question of the right of the State to exercise political and governmental jurisdiction and control over the Fort Berthold Indian Reservation sufficient to authorize it to include a part of the reservation within the political subdivision of the State known as Mountrail County. It was agreed that the provision of section 4 of the enabling act and subdivision 2 of section 203 of our State constitution that "said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States" was exclusive as to the State's right to include Indian lands within boundaries of a county. Relying upon *State v. Denoyer*, *supra*, the question was determined in favor of the right of inclusion and the court said:

"While it still retains a limited or qualified jurisdiction for certain purposes over such lands, the Congress of the United States relinquished to the Territory of Dakota by the organic act, and to the State of North Dakota by the enabling act, all jurisdiction and governmental authority over these lands and the inhabitants residing thereon not thus specially reserved to itself."

Here again we find the court considering the jurisdiction retained as pertaining to the land while the jurisdiction relinquished to the State of North Dakota included both the land and the inhabitants residing thereon.

It might be well to also bear in mind that in those States in which the constitutional provision under consideration is not found the division of criminal jurisdiction with respect to crimes committed on a reservation is exactly the same as it is in those States containing the specific reservation of jurisdiction over lands which we are now considering. It is the rule stated in *State v. Kuntz* (— N. D. —, 66 N. W. (2d) 531):

"State courts generally have jurisdiction over offenses committed on Indian reservations by persons who are not Indians against other persons who are not Indians." But "the courts of the State of North Dakota do not have jurisdiction over crimes committed on the Fort Berthold Indian Reservation by one who is not an Indian against one who is an Indian."

My conclusion is that the provisions of the enabling act and our constitutional disclaimer have no effect whatever upon the criminal jurisdiction of the State; that the State has general jurisdiction over reservations wholly within the State, excluding however, that jurisdiction which has been retained by the Federal Government over "Indian country" as long and only as long as that jurisdiction is asserted by the Federal Government and when the Federal Government cedes or confers criminal jurisdiction over Indian country to the State the Federal restraint on the State's jurisdiction is removed and to the extent of that removal the jurisdiction of the State is automatically extended. My answer to the certified question is yes.

JAMES MORRIS.

P. O. SATIRE.

Mr. CHUMBRIS. Legislative counsel submitted to us exhibit No. 1 with a letter of instruction that they would like to have read into the record. May I read that into the record at this time?

Senator O'MAHONEY. What legislative counsel?

Mr. CHUMBRIS. Of the State of North Dakota.

Senator O'MAHONEY. Very good.

Mr. CHUMBRIS (reading):

NORTH DAKOTA LEGISLATIVE RESEARCH COMMITTEE.

STATE CAPITOL,

Bismarck, March 9, 1955.

JUVENILE DELINQUENCY SUBCOMMITTEE,

Committee on the Judiciary, United States Senate,
Washington 25, D. C.

GENTLEMEN: The North Dakota Legislative Research Committee regrets that it will be unable to have representatives present at the hearing before the Juvenile Delinquency Subcommittee on March 11, 1955, because of the press of legislative business in the closing days of the present biennial legislative session. It does, however, wish to express to the Subcommittee on Juvenile

Delinquency the policy of the legislative assembly in regard to law enforcement on Indian lands.

Enclosed herewith is a copy of House Concurrent Resolution Q-1 which was passed by the 34th Legislative Assembly of the State of North Dakota. You will note that the resolution expresses a willingness on the part of the legislature of this State to assume jurisdiction for law enforcement purposes over Indian lands if provisions for adequate reimbursement to the State of North Dakota and its political subdivisions for the costs of providing such services can be made with the Federal Government. In order to facilitate this, the legislative assembly has passed a resolution calling for the submission of a constitutional amendment to the electorate at the June primary election in 1956, which would authorize the legislature, in its discretion, to accept such jurisdiction.

House Concurrent Resolution Q-1 further directs the Legislative Research Committee of this State to confer with the executive and legislative branches of the Federal Government for the purpose of arriving at an equitable solution to this matter. The Legislative Research Committee wishes to express its willingness to appear before your subcommittee at a later date, should that be desirable in order to further facilitate the adoption of measures to improve the law enforcement situation on Indian lands in North Dakota.

Also enclosed is a copy of House Concurrent Resolution H-2 which requests the establishment of tribal courts upon Indian reservations should the Federal Government be unable to provide other means of law enforcement during the interim before the State of North Dakota is authorized to accept such jurisdiction and until suitable arrangements for reimbursement to the State for such services are made. It was the opinion of the legislative assembly that such courts might temporarily fill the present void in law enforcement on Indian lands.

It will be greatly appreciated if this letter is incorporated into the records of the March 11, 1955, hearing of the Subcommittee on Juvenile Delinquency.

Very truly yours,

C. EMERSON MURRY,
Research Director.

Senator LANGER. Mr. Hart, the executive director, is here, though. He is present; he is right here.

Senator O'MAHONEY. I have heard him testify before. He makes a very good witness.

Senator LANGER. Yes, he does, a good, honest witness, an honest man.

Senator O'MAHONEY. Do you want to call him now?

Mr. CHUMBRIS. I would like to ask Mr. Lewis a few more points on the budget.

Mr. Lewis, could you tell us how you arrived at the figure for the budget on law enforcement for the four-hundred-thousand-odd-number of Indians on the various reservations throughout the country?

Mr. LEWIS. As I understand, it is arrived at principally by about as much as the Congress has indicated it is willing to appropriate.

Mr. CHUMBRIS. Now, I have here an interesting study by the National Association for City Police Departments, and I think that each of you have a copy on your desks, Senators, in which it shows that for all cities over 500,000 population, the average cost is \$10.42 per capita, and \$11.13 is total cost per capita for a police department to operate with 500,000. And it has a sliding scale of figures, from \$10.42 to \$4.35 for cities from 10,000 to 25,000, and an overall average for all cities over 10,000, which reaches a median of \$7.16 per capita, and \$7.97 per capita for total cost of operating a police department, which would show that even at the lowest figure, it would require over \$2 million in comparison to your \$353,000 that you have had appropriated to you.

Mr. LEWIS. I just figured it very roughly and quickly while you were giving that information, and I used your \$5 figure, because usual-

ly the numbers of people are relatively low, and so I picked that out of the figures that you read there. And using 300,000 as roughly the number of Indians that would be affected, that would make \$1,500,000 that apparently was estimated in 1951, that we were talking about some time ago.

Mr. Chairman, in view of the reading of the resolution that was sent to the committee from North Dakota, I might comment on the attitude of the Department on that assistance question that they raised, because it was a question that was discussed yesterday when I met with the Indian Bureau on this.

Our attitude is that we will, where the situation in a State requires it, on some formula to be worked out, because we were talking about the general proposition yesterday rather than specifics, assist the State if the State takes over jurisdiction for enforcement on the reservation, where reservations still exist, differentiating——

Senator O'MAHONEY. You would have to have legislation to do that; would you not?

Mr. LEWIS. We would have to have legislation to do it, except that we might be able in some instances to deputize a sheriff's deputy and pay him to do our work also. That would be a little clumsy, and legislation would be a far better approach.

But as I was saying, this assistance is differentiating from enforcement off the reservation and enforcement after an Indian acquires; that is, a tribe acquires, a fee-simple title to its land.

Senator O'MAHONEY. All right, Mr. Attorney.

Senator WILEY. Is there any oil on any of this reservation?

Mr. LEWIS. I do not know whether there is on this reservation.

Senator O'MAHONEY. There may be the oil that produces law violations.

Senator WILEY. You are talking about the jug oil. I am talking about the land oil.

Mr. LEWIS. I do not believe that this is a reservation with oil. Is it?

Mr. HART. One reservation is.

Mr. CHUMBRIS. Fort Berthold?

Mr. LEWIS. Fort Berthold?

Mr. HART. Yes.

Mr. LEWIS. Fort Berthold; yes. I thought we were talking about this same reservation.

Senator O'MAHONEY. Do they all belong to the same tribe or different tribes?

Mr. LEWIS. Different tribes.

Mr. CHUMBRIS. Mr. Lewis, could you state whether the Department of Interior has reached a crystallization of thinking on the question of whether the Federal Government should reimburse the States for cost in assuming jurisdiction?

Mr. LEWIS. I, in a sense, just answered that. The answer is "Yes." The formula on which the reimbursement would be made has not been arrived at, and we are speaking of reimbursement solely for law enforcement on reservation, when I answer "Yes."

Senator O'MAHONEY. I think it is knowledge, Mr. Secretary, that law enforcement is a very serious problem.

Mr. LEWIS. There is no doubt about it, Mr. Chairman.

Senator O'MAHONEY. And it cannot be neglected.

Mr. LEWIS. No.

Senator O'MAHONEY. As I understand your previous statements to this committee, you are prepared immediately to present recommendations to the committee as to what in your judgment should be done?

Mr. LEWIS. Yes, sir.

Senator O'MAHONEY. So that we may consider that that is a matter that is behind us?

Mr. CHUMBRIS. Yes, sir.

Senator O'MAHONEY. Now, if you desire through Mr. Hart or any other witness——

Senator LANGER. Just a moment.

Senator O'MAHONEY. Yes.

Senator LANGER. We have a lot of insanity out there. We take an Indian and we put him in an insane asylum, and Mr. Hart can tell you about that, and we have had a hard time getting our money from the Federal Government to take care of those.

I put in a private bill for \$900 only a while ago, on which they are pending now, only recently, through the kindness of Mr. Emmons, and I think they finally paid for 1 patient; did they not?

Senator O'MAHONEY. As I say, Senator Langer, if we get the record of the facts down here, I think it will be much easier to secure the actual funds that will be necessary to enable these officials of the Department of the Interior to do what is requested of them.

Senator LANGER. Yes. That is why we called this meeting today.

Senator O'MAHONEY. Yes. You want law enforcement; you want the State reimbursed if the Federal Government calls upon the State to exercise any of the responsibility that belongs to the Federal Government.

Senator LANGER. And the schools and public welfare.

Senator O'MAHONEY. And the schools and public welfare.

Not only is this a question of law enforcement and juvenile delinquency, it is a question of the handling of all of the Indian affairs on the reservations in North Dakota.

Senator LANGER. I might say that the people in North Dakota feel this way about it. That is, the Indians from Wisconsin, Senator Wiley's State, they were forced over into North Dakota, as civilization advanced——

Senator WILEY. They do not give you any trouble over there; do they?

Senator LANGER. Yes. They are over there, and the Indians from Minnesota. You have the situation in Fort Totten where, in 2 townships, there are between 5,000 and 6,000 Indians. There is not any way that they can possibly have a piece of land. Senator Kefauver is acquainted with that.

It is not a North Dakota problem. They shoved the Indians into North Dakota from every direction, and it is really a Federal problem. They are not North Dakota Indians.

I think they brought some from your State. I would not be a bit surprised if some of them came from Wyoming.

Senator WILEY. Those are the roughnecks.

Senator LANGER. I see that Mr. Hart said that that is right.

That is right; is it not?

Senator O'MAHONEY. He shakes his head in the negative, Senator.

Senator LANGER. We have a tough problem out there, especially on schools and general welfare.

Mr. EMMONS, can't you come up here and sit closer at the table? You have been so very kind to us there in taking those trips. I tell you, it is mighty nice to have a man like that.

Mr. EMMONS. Thank you, Senator.

Senator O'MAHONEY. Let us now get the facts from Mr. Hart.

Mr. CHUMBRIS. Mr. Hart, in your experience as an Indian affairs commissioner for the State of North Dakota, do you have any resolutions from other States that you would like to have submitted into the record on the question that was just propounded to Secretary Lewis?

Mr. HART. Yes, sir. I have some resolutions here that were sent to me by the attorney general of the State of Montana dealing with the question of law enforcement and reimbursement of States in case they are to take over criminal and civil jurisdiction on the reservations of those States.

Would you care to have these resolutions introduced in the record from the State of Montana?

Senator O'MAHONEY. Yes. That will be introduced and made a part of the record. Let that be exhibit No. 3.

(The resolutions referred to marked "Exhibit No. 3," read as follows:)

HOUSE JOINT MEMORIAL NO. 8

(Introduced by Norby, Durkee, Minette, Bricker, Anderson (Cascade), Regan, and Holtz)

A JOINT MEMORIAL OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO THE HONORABLE JAMES E. MURRAY AND THE HONORABLE MIKE MANSFIELD, UNITED STATES SENATORS FROM MONTANA, TO THE HONORABLE ORVIN FJARE AND THE HONORABLE LEE METCALF, CONGRESSMEN FROM THE STATE OF MONTANA, MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO THE REHABILITATION, AND EDUCATION FOR THE MONTANA LANDLESS INDIANS

Whereas a group of Indians in the State of Montana are descendants of Chief Little Shell's band of Chippewa Indians, who never participated in a treaty; and

Whereas this group became known as the Montana Landless Indians, Inc., and

Whereas many of these Landless Indians reside near and on the outskirts of the various cities of Montana and in many cases live under deplorable conditions; and

Whereas these Indians are American Indians for all intents and purposes, and are not subjects of any foreign land and as such are entitled to all rights and benefits that have been extended to other tribes of American Indians; and

Whereas prior to World War II a program of rehabilitation was undertaken but was interrupted by the outbreak of war: Now, therefore, be it

Resolved, by the Thirty-Fourth Legislative Assembly of Montana of 1955 now in session, the Senate and House of Representatives concurring, do earnestly request the Congress of the United States resume and initiate an adequate program of recognition, education, and rehabilitation, designed to put the Indians on a self-supporting and taxpaying basis equal to that enjoyed by other citizens; be it further

Resolved, That copies of this memorial be transmitted by the Secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States.

HOUSE JOINT MEMORIAL No. 10

(Introduced by Parker (Pondera), Tange, Minnette, and Hesse)

A JOINT MEMORIAL OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA, TO THE CONGRESS OF THE UNITED STATES, TO THE HONORABLE JAMES E. MURRAY AND MIKE MANSFIELD, UNITED STATES SENATORS FROM MONTANA, TO THE HONORABLE LEE METCALF AND ORVIN B. FJARE, REPRESENTATIVES IN CONGRESS FROM THE STATE OF MONTANA, AND TO THE HONORABLE DOUGLAS M'KAY, SECRETARY OF THE INTERIOR, THE HONORABLE GLENN EMMONS, COMMISSIONER OF INDIAN AFFAIRS, THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND TO THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, REQUESTING THAT CONGRESS AUTHORIZE LONG-TERM CONTRACTS BETWEEN THE BUREAU OF INDIAN AFFAIRS AND THE STATE OF MONTANA WHICH WOULD GUARANTEE SPECIFIC SUMS OF MONEY TO THE LOCAL GOVERNMENT UNITS FOR SERVICES RENDERED ON INDIAN RESERVATIONS

Whereas the Congress of the United States has been actively legislating to terminate supervision of Indian Affairs on reservations in the United States; and

Whereas the Bureau of Indian Affairs has absorbed this philosophy in the administration of Indian Affairs and has offered contracts to various State agencies asking them to take over such functions for the Bureau of Indian Affairs on reservations in the State of Montana such as the extension service, schools, roads, welfare, and health; and

Whereas the United States Government by treaty and statute is responsible for law and order on Indian reservations but has not effectively administered this responsibility and furthermore have attempted to transfer this responsibility to the countries of Montana frequently without reimbursement; and

Whereas the problems and impacts among Indian people on reservations in areas of health, education, roads and economic conditions, are the result of inconsistent policies of the Federal Government and have not been created by local Indian communities; and

Whereas the Federal Government has been striving for years to solve these problems and remove these impacts with only a reasonable degree of success throughout one hundred years of effort and millions of dollars of money; and

Whereas the Federal Government desires to transfer these responsibilities to the counties and apparently expects the counties to solve these problems within a relatively short period of time and without giving the counties specific assurance of reimbursement over a period of years; Now, therefore, be it

Resolved, That Montana State Legislature request Congress to enter into long-term contracts with the State of Montana which would guarantee to the State of Montana and the local governmental units specific sums of money over a long period of years or to enable them to carry out the government functions now rendered by the Federal Government so that the State of Montana and local taxpayers will be able to solve and administer these problems; and be it further

Resolved, That the Secretary of State of the State of Montana transmit this Memorial to the various Federal governmental officials, agencies and committees referred to in the title of this Memorial.

SENATE JOINT MEMORIAL No. 7

(Introduced by Robins, Wilson, Working, McCabe)

A JOINT MEMORIAL TO THE CONGRESS OF THE UNITED STATES AND TO THE HONORABLE JAMES E. MURRAY AND THE HONORABLE MIKE MANSFIELD, SENATORS, FROM MONTANA, AND TO THE HONORABLE LEE METCALF AND THE HONORABLE ORVIN B. FJARE, REPRESENTATIVES FROM MONTANA, REQUESTING THE APPROPRIATION OF SUFFICIENT FEDERAL FUNDS TO BE SET ASIDE AS AN EMERGENCY FUND FOR INDIAN RELIEF AND WELFARE OF ALL KINDS TO BE USED DURING THE PERIOD OF ADJUSTMENT WHEN THE UNITED STATES GOVERNMENT SHALL WITHDRAW FROM THE FIELD OF PROVIDING MEDICAL, HOSPITAL, AND OTHER WELFARE AND NEEDS OF THE WARD INDIANS OF THE UNITED STATES

Whereas the Federal Government previously has assumed complete responsibility for medical, hospital, and other welfare and security needs of ward Indians of the United States; and

Whereas it is inevitable that the Federal Government will withdraw from this field of support, and the Legislative Assembly of the State of Montana has been informed that such withdrawal is now in progress; and

Whereas such withdrawal must necessarily involve financial hardship upon the State of Montana and particularly the counties of Montana wherein large Indian populations are located, on tax-exempt lands: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Montana, the Senate and House of Representatives concurring, That we respectfully urge the appropriation of sufficient Federal funds to be set aside as an emergency fund for Indian relief of all kinds to be used during this period of adjustment; and be it further

Resolved, That copies of this memorial be forwarded by the Secretary of State of Montana to the Senate and House of Representatives of the United States Congress and to Senators James E. Murray and Mike Mansfield, and to Representatives Lee Metcalf and Orvin B. Fjare.

SENATE JOINT MEMORIAL NO. 9

(Introduced by McCabe, Angstman, Wallace, Ross, Spear, Robinson)

A JOINT MEMORIAL TO THE CONGRESS OF THE UNITED STATES, THE COMMISSIONER OF INDIAN AFFAIRS, THE AGENCIES OF THE UNITED STATES GOVERNMENT INVOLVED, HON. JAMES E. MURRAY AND HON. MIKE MANSFIELD, SENATORS FROM MONTANA, HON. LEE METCALF AND HON. ORVIN B. FJARE, REPRESENTATIVES FROM MONTANA, REQUESTING THE GOVERNMENT OF THE UNITED STATES AND THE AGENCIES THEREOF INVOLVED TO PROVIDE PAYMENTS OR GRANTS IN LIEU OF TAXES ON NONTAXABLE INDIAN LANDS IN THE STATE OF MONTANA FOR THE USE AND BENEFIT OF THE COUNTIES OF MONTANA WHEREIN SUCH INDIAN LANDS ARE LOCATED AS PAYMENT FOR GOVERNMENTAL AND WELFARE SERVICES PROVIDED TO THE INDIAN POPULATION BY THE STATE OF MONTANA AND THE PARTICULAR COUNTIES INVOLVED

Whereas it is becoming increasingly evident to the State of Montana and particularly to the individual counties involved, that ward Indians of the United States Government are requiring and obtaining more governmental services from the State of Montana and the respective counties therein, in the way of policing, recording, and public welfare assistance, which necessitates the expenditure of county and State moneys; and

Whereas the ward Indian population of the State of Montana is located on tremendous areas of nontaxable lands within the State, which lands contribute nothing to the support of the governmental services of the State of Montana and the respective counties involved, thereby placing a burden upon the citizens of the State of Montana as a whole, and particularly upon the citizens of the counties involved, whose tax burden is increased by reason of the governmental services required by ward Indians within the State of Montana; and

Whereas there are presently upon the statutes of the United States of America, various provisions authorizing the Government of the United States to contribute to the several States of the United States payments in lieu of taxes, for the benefit of counties wherein other governmental lands are located: Now, therefore, be it

Resolved by the 34th Legislative Assembly of the State of Montana, the Senate and House of Representatives concurring, That we respectfully urge and request the Government of the United States and the agencies thereof involved, to provide payments or grants in lieu of taxes upon these lands, to the State of Montana for the use and benefit of the counties wherein Indian lands are located, as payment for governmental and welfare services provided to the Indian population in the particular counties involved; and be it further

Resolved, That copies of this memorial be forwarded by the secretary of state of Montana to the Senate and House of Representatives of the United States Congress, to the Commissioner of Indian Affairs, to Senators James E. Murray and Mike Mansfield, and to Representatives Lee Metcalf and Orvin B. Fjare.

Mr. HART. Also, I would like to call your attention to the fact that the Governors' Interstate Indian Council, which represents 17 States, adopted at Sun Valley this last year—Mr. Emmons was at the meeting—an agenda in which the third point on the agenda was as follows:

(a) Urge the Indian Bureau to take immediate action to establish law and order on all reservations.

(b) Insist that the Federal Government reimburse State and local agencies for the costs involved in transferring services from Federal to State Governments.

(The agenda referred to is as follows:)

GOVERNORS' INTERSTATE INDIAN COUNCIL

PROGRAM OF ACTION, 1954-55

1. Education

(a) Cooperate with the Indian Bureau in an effort to transfer all education to the States just as soon as feasible and possible under a negotiated contract.

(b) Request the Indian Bureau to assign a competent person from the Washington level to negotiate all State education contracts through the respective area offices.

(c) Negotiate State contracts on at least a 4-year basis.

(d) Allow sufficient flexibility of the criteria established by the Indian Bureau for the administration of the Johnson-O'Malley Act so that an equitable contract can be worked out for each State.

2. Indian Claims Commission

(a) Urge Congress to use every means at its disposal to expedite the processing of tribal claims before the Indian Claims Commission.

3. Law and order

(a) Urge the Indian Bureau to take immediate action to establish law and order on all reservations.

(b) Insist that the Federal Government reimburse State and local agencies for the costs involved in transferring services from Federal to State Governments.

4. Cooperative action

(a) Urge both Congress and the Indian Bureau to consult with tribal groups and State and local agencies in the planning stages of any major program that would materially effect the status of the Indians.

Mr. HARR. Next I would like to tell you that the State of South Dakota Indian Affairs Commission has passed a resolution asking for reimbursement in case they take over law enforcement in the State of South Dakota.

Mr. CHUMBRIS. May I ask you this question: Are you familiar with the decision in the Supreme Court of the State of Montana on a similar problem that was recently decided by the State of North Dakota Supreme Court?

Mr. HARR. Partially I am, sir. Three days before the hearing was had on the Lohnes case in North Dakota, the Supreme Court of Montana decided on an oil question and interpreted certain sections of their constitution. Mr. Justice Bottomley wrote a concurring opinion in which about the same conclusion was reached as was reached by the North Dakota Supreme Court. Mr. Justice Bottomley wrote me a letter thanking me for having forwarded him a copy of this decision, because he stated in the letter that it substantiated his concurring opinion in that oil case, which I understand is now in the process of being appealed to the United States Supreme Court, sir.

Senator WILEY. Will that decide this issue that is here involved on whether or not this statute that conferred jurisdiction upon the State of North Dakota—

Senator O'MAHONEY. At Fort Totten.

Senator WILEY. Yes, at Fort Totten. Whether or not that statute is invalid or whether it is valid?

Mr. HART. In my opinion as an attorney and as a participating attorney in that case, I believe that it will, sir. Now, I do not want to predict what issue the Court will decide the question on, sir.

Mr. CHUMBRIS. Mr. Hart, have you received substantial information that the State of Montana has requested the State of North Dakota to intervene in this case of the Supreme Court of the United States involving the State of Montana?

Mr. HART. The assistant attorney general in the State of North Dakota tells me that the attorney general of the State of Montana asked them to intervene and file a brief in this case because of the constitutional question involved.

Mr. CHUMBRIS. Have you any information as to whether the State of North Dakota will intervene in that particular case?

Mr. HART. I do not know. They were considering the matter about 2 weeks ago when I talked to the assistant attorney general.

Mr. CHUMBRIS. But if North Dakota would intervene, then that would answer Senator Wiley's question that the matter would come to a definite head?

Mr. HART. In my opinion, that is correct, sir.

Mr. CHUMBRIS. Now, Mr. Chairman, the questions that I was going to ask Mr. Hart and Mr. Onsrud from the State of North Dakota have been pretty much answered by the statements made by Mr. Lewis here this afternoon, that they definitely will move into the Fort Totten Reservation, which takes care of the one resolution sent by the State of North Dakota, and secondly, the thinking on reimbursement.

So it will expedite matters if we move from Mr. Hart at this time and bring on Commissioner Emmons and ask him—

Senator O'MAHONEY. I think it would be better, if I may say so, Mr. Attorney, to have Mr. Hart or somebody else of your choosing put into the record a statement about the lack of law enforcement. That is the basic thing.

Mr. CHUMBRIS. Yes. We are going to bring that in through Commissioner Emmons. Of course, we have already established that particular point in the hearings in North Dakota, which are in this transcript.

Senator O'MAHONEY. I see. I did not understand that.

Mr. CHUMBRIS. We have our charts, and that is already in the record, sir.

Senator O'MAHONEY. Very good.

Senator YOUNG. Mr. Chairman, could I ask that Mr. Lewis give an estimate as to the additional amount of money that would be required to take care of this?

Senator O'MAHONEY. Senator Young, yes, you may.

Mr. LEWIS. For this one reservation or for all reservations?

Senator YOUNG. For one and all.

Senator LANGER. The four in North Dakota.

Mr. LEWIS. The four in North Dakota?

Mr. GREENWOOD. We would have to prepare an estimate.

Mr. LEWIS. We would have to prepare an estimate on that. We will be glad to do so.

Senator YOUNG. Could you give us an estimate on Fort Totten?

Mr. LEWIS. Yes. Mr. Greenwood can give you an answer on that.

Mr. GREENWOOD. Mr. Chairman, we have prepared an estimate of

the amount of money required for a law enforcement program on the Devils Lake Reservation in North Dakota. The estimate amounts to \$28,600.

Senator LANGER. How much?

Mr. GREENWOOD. \$28,600. That includes the services of one special officer, at GS-7, or a salary of \$4,205; 2 policemen at GS-4 rating, salaries of \$3,175; 1 jailer, GS-3, salary, \$2,950; and 1 judge at \$10 a day for approximately 100 days—

Senator LANGER. You haven't got a jail there. What do you want a jailer for? They haven't got a jail on the reservation.

Mr. GREENWOOD. (continuing). \$1,000; and the expenses of providing transportation—that is cars—and there are other expenses, including equipment—would be \$14,095.

Senator YOUNG. May I ask another question at that point, Mr. Chairman?

Senator O'MAHONEY. Yes, indeed, Senator.

Senator YOUNG. How would you go about the law enforcement there? Would we send in law enforcement officers, or would you deputize sheriffs' deputies? Would you send in Indian Bureau officials?

Mr. GREENWOOD. This estimate is based on that assumption, yes, sir, that we would employ the necessary officers.

Senator LANGER. That does not include general welfare nor the schools, does it?

Mr. GREENWOOD. No, sir. This is just a law enforcement program.

Senator LANGER. You have all kinds of schoolchildren not going to school out there.

Mr. GREENWOOD. We have a contract with the State of North Dakota under which we—

Senator LANGER. Will Mr. Hart describe the condition at St. John, for example?

Mr. HART. Relative to what, sir?

Senator LANGER. The schoolchildren.

Mr. HART. It is a very bad situation, sir. There are many Indian schoolchildren that are attending the public school there. The percentage paid of the cost of operation of that school is about one-third of the actual cost of the Indian children attending the school there.

Does that answer your question, sir?

Senator LANGER. That answers that particular question.

What is the situation down in Cannon Ball, the Sioux Tribe?

Mr. HART. For education or law enforcement, sir?

Senator LANGER. For education.

Mr. HART. At Cannon Ball, the Federal Government contributes under the Johnson-O'Malley Act roughly a third of the cost of education of the Indian children in public schools. It is rather bothersome to us, because we believe that there should be a 100 percent contribution there, the same as there is, incidentally, in other places in the United States where Indian children are attending public schools.

Senator LANGER. Now, Mr. Emmons, what is the situation at Gallup, N. Mex.? What is your setup there for schools?

STATEMENT OF HON. GLENN L. EMMONS, COMMISSIONER, BUREAU OF INDIAN AFFAIRS, ACCOMPANIED BY HON. SELENE GIFFORD, ASSISTANT COMMISSIONER, HON. W. BARTON GREENWOOD, EXECUTIVE OFFICER, AND HON. WILLIAM R. BENGE, CHIEF LAW ENFORCEMENT OFFICER, BUREAU OF INDIAN AFFAIRS

Mr. EMMONS. Where Indians have come off the trust lands—where they come from other districts—we are paying 100 percent, when they come from a district outside the school district. Miss Gifford is present, the head of our community services, and I believe you have a schedule on that.

Senator LANGER. Why shouldn't you treat the North Dakota Indians the same way you treat the New Mexico Indians?

Mr. EMMONS. Well, I think that Indians everywhere should be treated the same. I believe there is a formula that has been established by community services whereby counties would be assisted in accordance with their needs. There are some counties that obtain way below their State average in taxes, and to pick up that gap between what it costs and what the State average is, we assess—

Senator LANGER. Do you do that in North Dakota?

Mr. EMMONS. Miss Gifford, would you answer that statement?

Miss GIFFORD. The policy is applied the same way in all States. The Indian children who attend public schools are assisted under our Johnson-O'Malley contract if the school district can justify need, and if the number of children come from trust land, that is, the number of Indian children.

Our formula includes those costs of taking care of Indian children which are different from the costs that the county can recover for non-Indian children.

Senator LANGER. When do you get us into that, John?

Mr. HART. There is a different formula used in just about every State. We had a conference here with Miss Gifford and Mr. Emmons last fall in which we went into that quite thoroughly. It does not seem right to us that there is only a partial support.

Now, for instance, I would like to go back here to a chart in 1950, which covers 1950, 1949, and 1948, showing the difference in per capita cost payments that are made to the various States.

Let us take, for instance, now, the State of Arizona. That shows there that in 1950, \$56.81 was paid for each Indian child attending a public school. Now we will shift on down here to where we come into the State of North Dakota. At that time, we were receiving \$123.77. There was no relationship between the two.

Now, let us go down here to the State of Iowa. In the State of Iowa they were paying \$206.18.

Senator WILEY. The Federal Government?

Mr. HART. The Federal Government under the Johnson-O'Malley contract mentioned by Miss Gifford.

Now, this was in 1950. The situation is that there is a different formula used in practically every State.

Senator WILEY. Why?

Mr. HART. Because it comes under the Johnson-O'Malley Act, and the Johnson-O'Malley Act differs from the Commissioner of Indian Affairs and the Secretary of Interior authority to determine a basis

of need. The grants to the State school system are on the basis of need under the Johnson-O'Malley Act.

My interpretation of the Johnson-O'Malley Act is that that is an acknowledgment of the responsibility of the Federal Government in this field of education.

It seems to me that by using a different system in each State, we develop a good argument, but we do not get the job done of getting the Indian children educated.

Let me refer back to the little town of St. John, N. Dak. They have about—I am pulling figures out of the air pretty much—I believe they have about 300 students in there. Their total operational budget is about \$50,000. About 100 children are Indian children in that school. They live in the community of St. John adjacent to the reservation, et cetera. The Federal Government contributes about \$6,000 of that total \$50,000 operational budget.

Now, those figures are strictly rough, but that is roughly the estimate there, sir.

Now, if these same children were attending the school on the reservation, the Federal Government would be paying in the neighborhood of \$300 per pupil per year.

Is that roughly correct, Mr. Emmons?

MR. EMMONS. Mr. Hart, you say that these Indians were living off the reservation?

MR. HART. Off and adjacent to the reservation. St. John is within a few miles of the reservation. It is part of the overflow we have on that checkerboard area there, sir.

MR. EMMONS. What I was getting at was this. I was not exactly acquainted with that situation. You say these Indians are making their living off the reservation in those areas?

MR. HART. It is pretty hard to say that they are making their living either on or off the reservation. Most of them are on welfare or do a little seasonal work. They are not, as I would say, contributing their share to the community percentagewise in taxes, et cetera, sir.

MR. EMMONS. May I make just a very short statement? I realize I am out of order.

Senator O'MAHONEY. Yes, indeed.

Senator LANGER. Go right ahead.

MR. EMMONS. Being from the Southwest where we do have a very large population—and the fact is in my own State of New Mexico, I believe according to the 1950 census, 6 percent of the population is Indian—I believe in Arizona it is 8 percent—in some counties out there we have a disproportionate number of the population that are Indians out of Indian trust land in those counties.

Senator WILEY. Are they productive?

MR. EMMONS. Not particularly, no, sir.

I believe that naturally in a county where you have an overburden of Indians that are not contributing anything to the community whatsoever, where the lands are tax exempt, I certainly believe it is the responsibility of the United States Government, as long as we have supervision over Indians, that we should take care of them.

Now, I think that all of us—take my own county of McKinley County, N. Mex.—I do not know just exactly how many Indians we have on reservations in that county. They run up to a considerable amount. It is a comparatively poor county.

Naturally, we could not take over law enforcement, or we could not afford to pay for the education of those Indians who are living on tax-exempt land, making their meager income from the reservation. However, I do believe, and the fact is that even though it affects my own community tremendously, that when the Indian is living off the reservation and living in a community where he is contributing to the community's payroll, and his money is spent in that community, he is paying the same as the rest of us. Naturally, I feel that he is part of the community. He is a citizen of the United States since 1924.

I think all of us could readily see in a relocation program of trying to get Indians earning their own living away from the reservation, it is impossible for us to follow those Indians wherever they might go and pick up their check.

I say that on a community basis—and I realize that in North Dakota you have some counties up there that are rather destitute, and you have, let us say, a large Indian population. And maybe I am particularly sympathetic to North Dakota, also, Senator, because I noticed that you have the county of Emmons up there near Fort Yates, but I am entirely sympathetic to the idea that in a county that does not have the money to pay its way, that is, to take care of the Indians, then it is the responsibility of the United States Government to help.

I think it is only fair, and I am only saying that because I know that my people in my own county in New Mexico, or the State of New Mexico itself, will refuse to accept Public Law 280 unless there was some Federal assistance.

And up to the time of termination of the tribes, I think it is the Government's responsibility to assist.

Senator O'MAHONEY. Well, so far as you are concerned—and you speak for the Bureau and for the Department of the Interior—you do not believe that the jurisdiction over the Indians should be shifted from the Federal Government to the State governments unless both the State governments and the Indians give their consent to that transfer?

Mr. EMMONS. Senator, I cannot go along with the word "consent", but "consult", consultation, which I have always been very strong for.

Senator O'MAHONEY. Then by that do you wish to be understood as saying that if you consult the Indians, and the Indians object, you nevertheless would advocate transferring jurisdiction to a State which would be willing to take it?

Mr. EMMONS. Sir——

Senator O'MAHONEY. In other words, that you would, in spite of the will of the Indians, compel them to go under the jurisdiction of the States?

Mr. EMMONS. I do not think that I could answer that in a general way, Senator, because the conditions are so different.

Senator O'MAHONEY. Well, shouldn't we have one rule for all Indians?

Mr. EMMONS. Sir? The same rule?

Senator O'MAHONEY. Shouldn't we have the same rule for all Indians?

Mr. EMMONS. No. With approximately 300 different tribes and tribal units we have all over the country, the situation is——

Senator O'MAHONEY. I do not mean to imply by my question that there are not different conditions among the tribes and the reservations, but I am talking about the principle on which the Government is to act.

Do you mean to be understood as saying that in some cases you would support transferring the jurisdiction of the Indians from the Federal Government to a State government that was willing to accept it, even though you had to compel the Indians to do it?

Now, that, may I say, before you answer it, is in my opinion one of the reasons why we have so much Indian trouble. The Federal Government in times past, long before you and I were on the scene, through the military, through the Army, would drive the Indians from one part of the country to the other, without any regard to their wishes.

Mr. EMMONS. That is right.

Senator O'MAHONEY. Senator Langer has told this hearing this afternoon that many of the Indians in North Dakota were moved in there by the Federal Government. That, of course, was at a time when the State was very much more sparsely settled than it is now.

I can say, so far as Wyoming is concerned, that the Federal Government moved a tribe of Indians, the Arapahoes, onto the Shoshone Reservation without the consent of either the Arapahoes going in, or the Shoshones receiving them.

And that was the source of a good deal of misunderstanding for many years.

So, with this background, I am asking you the question whether you do not believe that there should be one rule for all Indians with respect to whether or not they shall be moved without their consent, or placed under another jurisdiction without their consent.

Mr. EMMONS. Could I say—

Senator O'MAHONEY. Now that is a comparatively simple question.

Mr. EMMONS. Well, Senator, it is a very, very deep and complex subject, and I think, as I say, that we considered every Indian area on the same basis, and I think maybe that is the trouble in the past, that we have considered the Indians as all one race of people, one family, and say that they are so different. But when I say "consult", I certainly mean full consultation, and I am sure that the Department, and everyone in the Indian Bureau realize what I mean when I say "consult", because even in consultation, I realize that we cannot get full consent.

But I think it is certainly mighty, mighty bad for the United States Government to go to an Indian with its mind made up and show him some scrap of paper and say, "Now, this is it, but you agree."

I do not call that consultation. What we are attempting to do in everything that actually affects them is to go out and try sincerely to consider them as human beings and as partners, you might say, and try to point out every point of the suggestion to them.

Certainly, if I were in partnership with an individual and he went ahead and did something without my knowledge, I would feel pretty resentful. But certainly if we talked things over, we might not have consent, but we would certainly have an understanding.

There are some tribes—

Senator O'MAHONEY. All you are saying there, Mr. Commissioner, is that the Indians would have an understanding of what you intended to do to them and with them without their consent.

Mr. EMMONS. The amendment that was proposed to 280 would require the Governor of each State affected by that legislation to have full consultation with Indian people, and then he would have to report to the Secretary of the Interior, and then the Secretary of the Interior himself, which I imagine in this case would be delegated possibly to me, would see whether full consultation had been made.

If you try to get consent on anything from some tribes, I do not think we would ever get anywhere. The fact is, I doubt that we would get full consent from many Indians in America, if you ever wanted to get a termination bill, even though they might have an income of \$100,000 a year per capita. I feel pretty positive that you could not get the Indians' consent to relieve the governor trusteeship.

Isn't that right?

Senator O'MAHONEY. I do not see it. Some Indian tribes have accepted termination without any difficulty.

Mr. EMMONS. A few of them did testify for it, but in the case of the six bills that went through, you know, there was an awful lot of agitation against them.

Senator O'MAHONEY. That might have been. But was there a majority vote cast against them?

Mr. EMMONS. I doubt if any referendum was even made to the Indians.

Senator O'MAHONEY. Of course, I think we are getting a little bit afield from the question that is before this committee. Nobody can doubt that the Indian problem is a very complex problem, but the Indians were placed on their reservations by the Government of the United States, sometimes, as you say, not only without their consent, but without even consultation.

Mr. EMMONS. That is true.

Senator WILEY. You were brought into the world on the same basis.

Senator O'MAHONEY. I gave my consent, sir. [Laughter.]

The problem here is what we are going to do about the enforcement of law on Indian reservations, and the welfare of the Indians and their education.

Now, these are all responsibilities of the Federal Government. There can be no doubt about that.

Mr. LEWIS. Yes, sir.

Senator O'MAHONEY. Mr. Hart has shown us a table with respect to education which indicates that under the Johnson-O'Malley Act, there is a wide variance from tribe to tribe in the amount of Federal contribution per capita for the aid of the Indians.

Now, that is a subject, as I see it, which is very different from taking the Indians out of one status and putting them into another without consent. This Johnson-O'Malley Act does give the Commissioner of Indian Affairs the jurisdiction and the power, or the discretion, to judge what the conditions are in these various reservations, and contribute the cost that to him may seem wise and necessary to provide for education.

That is an utterly different question from the question that I have been asking you, about consultation and consent, and I hope that by

the time the Bureau of Indian Affairs gets around to suggesting the amendment, which, at a recent hearing, you said the Bureau was going to suggest, to the bills introduced by Senator Murray, of Montana, and Senator Goldwater, of Arizona, with respect to Indian consent, that you will have your mind made up clearly upon this matter and that you will see the difference between welfare, education, and the contributions that are made, and the basic right of the Indian not to be compelled to surrender his status without the consent of a majority of his tribe.

That I think is fundamental democracy and fundamental Americanism.

Senator LANGER. Mr. Hart, you had another matter where you said that Wisconsin and Minnesota got aid and North Dakota got none. What was that?

Mr. HART. May I, sir, give a brief, short statement trying to clarify some of my views on this Indian education? May I be indulged with a few minutes of your time, sir?

Senator O'MAHONEY. Proceed.

Mr. HART. In this field of Indian education, it seems to me that that is directly connected with this question of juvenile delinquency.

Now, I am working on the assumption that amalgamation or acculturation is going to be the eventual solution to the so-called problems of Indians. Now, on a firing-line basis, let us take some of the little towns in North Dakota, or let us take St. Charles, down in South Dakota, regarding Indian children going to the public schools.

It seems to me, and my thinking is, that the Federal Government should do that which is necessary—I wish to repeat it—that which is necessary, in order to encourage the local school districts to take Indian children.

Now, it is perfectly all right to have an argument and go to the local school board and say, "These children are citizens. You are going to have to take them and we are going to give you a contract under the Johnson-O'Malley Act providing for 15 percent of cost, or 20 percent of cost, or 90 percent of cost."

I am not now thinking of this discrimination of States, which is very touchy to me, but I am thinking in terms of getting a job done, how to go about doing it.

If the Federal Government will adopt the policy of paying the per capita cost, operational cost, of Indian children attending the public schools, I am satisfied that within a very short time the segregated Indian schools will have been abolished. We will not run into the difficult situation that we did at St. Charles, S. Dak., which I believe Congressman Berry can tell you about.

This is one of the things that on the school board, on that firing-line level, where the relationship between Indians and non-Indians is vitally important in their total amalgamation, that is one of the things that I believe that we should do to encourage the local school districts to take the children.

Let me give you one step further now in reference to Mr. Emmons' statement regarding land and real estate. He said that where they lived on real estate, tax-exempt real estate, then he felt the contribution is one way, and where they lived off and participated in the community, the contribution is another way.

Let us take the example, for instance, of some of the people that are leaving the regions in North Dakota, going to other land in North Dakota, for instance.

That is close to me because of an example that happened there. Some Indian people had come from Rolla and were working there at Langdon. The wife had a baby. Sure, they didn't make the plans they should have made. She went to a local hospital. They didn't pay the bill. They weren't used to paying the medical bills and medical expenses. They had not paid them on the reservation.

What happened? The bills were not paid. The next time an Indian person came to the hospital, there was racial discrimination. The racial discrimination was dollarwise, it was not racialwise. It was dollarwise, but the dollarwise discrimination produced the racial discrimination that is retarding this entire integration process.

Now, that is my opinion.

Let me call your attention further to a release issued by the Bureau of Indian Affairs back in which it stated very proudly, I believe, that 56 or 58 percent of the Indian children were now attending public schools.

Is that right, Miss Gifford?

MISS GIFFORD. Fifty-six.

MR. HART. Fifty-six percent of the Indian children were attending public schools.

Now, let us take the appropriation. I will bet you \$10 to \$1 that less than 15 percent of the total appropriation for education appropriated by Congress to the Bureau of Indian Affairs was used for this 56 percent of the Indian children attending public schools.

Now, that is actually, in the way I see it, throwing a burden on these local communities and on the States, and the most important thing is that that is producing discrimination. It is not getting the job done.

Now, I wanted to go back to one more point that was mentioned here in regard to hospitalization. In this relocation program, people are going to Chicago, and here and there, and the other place, under relocation.

I am all in favor of relocation. But the people of the United States are not doing that which is necessary to accomplish the job, doing those things which will anchor these people in those areas where they are. When they run into hospitalization and these other difficulties, they take the same reaction that you and I take when we leave home. We get homesick. We run back home, back to the reservation. There we are again. We have not accomplished our job.

Those are two points that I wanted to make.

Next in reference to Senator Langer's question, in the State of Wisconsin now, for instance, the Bureau of Indian Affairs, at least a year or two ago, had a contract furnishing money for foster home care of Indian children in the State of Wisconsin. North Dakota did not have that contract. In Minnesota they are paying one-half of the foster home care of Indian children as a result of a deal at Pipestone, closing the Pipestone Indian school.

Down in South Dakota, the Bureau of Indian Affairs is directly making payments for the foster home care of Indian children. In North Dakota, no.

Now, we feel that that is discrimination between the various states. We say this. If the Congress of the United States will adopt an

automatically basic formula, 17 percent, 70 percent, 79 percent, or 117 percent, we will not complain. But you give us a right and you give agitators such as myself a right to get out and justifiably complain when the Congress of the United States does not treat the states equally in this overall picture.

For instance, in the field of welfare, you say in Arizona and New Mexico you give 92 percent of the public assistance money necessary to take care of the Navaho and Hopi Indians. Granted that is an act of Congress. But that is not fair as to North Dakota, South Dakota, and the other States.

For instance, in the State of South Dakota, you have treaty provisions which, as Congressman Berry has said, will take care of the sick Indians as long as need be, et cetera, et cetera.

That responsibility of the Federal Government is being forced on the States of South Dakota, North Dakota, and the other places.

What is actually resulting from this failure to face up to the financial obligation is that you are creating a firing line difficulty for the Indian people who are attempting to or who want to amalgamate.

I wish to thank you very much for letting me talk.

Senator O'MAHONEY. Well, that is very clear.

I heard you testify before the Appropriations Committee in years past. It is a little bit beside the question before us today.

Now, may I say that I am in the position of the Indians today. I was consulted about sitting as a member of this committee, and I came to sit here. But I was not given the chance to give my consent to presiding over this committee. I was forced into that position.

Senator WILEY. You loved it.

Senator O'MAHONEY. I have been trying to keep this hearing upon the beam of juvenile delinquency. Now, I think, Mr. Attorney, that unless you have some more evidence to present, we have got general agreement upon these points:

One, that there is lack of law enforcement in the State of North Dakota, not only on Fort Totten Reservation, but on other reservations.

Senator WILEY. Is that true in other States?

Senator O'MAHONEY. We are dealing with North Dakota. This question is North Dakota.

Senator WILEY. Is it true in other States?

Mr. EMMONS. Mr. Bengé, do you find that that is true elsewhere?

Mr. BENGE. The same condition that Mr. Lewis mentioned obtains. Lack of money prevents the doing of a good job.

Senator O'MAHONEY. That is the point I was trying to get at. I think that is true.

Mr. LEWIS. I might say this, and I think Mr. Bengé will bear me out. It is better in some places because of more experience on the part of the Indians themselves and therefore more natural cooperation. But as far as the money availability is concerned, it makes it more or less the same all over, except as to the character of the Indians and their point of view.

Senator WILEY. The point is how much money they need in North Dakota, and how much they need in other States.

Senator O'MAHONEY. Let me proceed with this summarization, if I can.

The second point is that the Department of the Interior and the Bureau of Indian Affairs have agreed that they will submit to this committee and to the legislative committee their best estimates as to the amount of money that is needed, first to handle the situation in North Dakota, upon not only Fort Totten Reservation, but on the other three reservations, and the amount of money they should have for law enforcement throughout the United States, that that will be done.

Senator LANGER. And schools.

Senator O'MAHONEY. But this is juvenile delinquency.

Senator LANGER. And schools.

Senator O'MAHONEY. That has a bearing on it, too.

Senator LANGER. Yes.

Senator O'MAHONEY. The Indian Affairs Committee has been going into these other problems. Congressman Berry, I am sure, will testify that House Committee on Indian Affairs has also been going into those problems.

But what brings you here today is this problem of juvenile delinquency in North Dakota, particularly on the Fort Totten Reservation, where Congress itself passed a law divesting itself of its jurisdiction, and the State, by a decision, a divided decision of the Supreme Court, is unable to accept that jurisdiction, and where, therefore, it is necessary for the protection and the preservation of law and order, for some power to step in. And the Bureau of Indian Affairs is willing to undertake that now to the best of its ability with the funds that it has, and I think it will enjoy and would greatly desire to have the cooperation of the members of this committee in helping secure the appropriations that may be necessary to do a good job.

Secretary Lewis nods in the affirmative. I want the record to show that. The machine will not record the nod.

Senator LANGER. But, Mr. Chairman, we have Mr. Onsrud here, of the Public Welfare Department.

How much did you pay out last year in North Dakota for Indians which under your Supreme Court decision you should not pay at all? How much was it?

**STATEMENT OF HON. CARLYLE ONSRUD, EXECUTIVE DIRECTOR,
STATE WELFARE DEPARTMENT, STATE OF NORTH DAKOTA**

Mr. ONSRUD. Well, Senator, the amount of State funds for the public-assistance programs, old-age assistance, aid to the blind, ADC, aid to dependent children, and aid to the permanently and totally disabled, was about \$200,000 for the fiscal year 1953-54.

Now, we, of course, in the States figure always on a 2-year period. That is biennial, and that means about \$400,000 biennially.

Senator O'MAHONEY. I was just about coming to that. That was another part of the summary of the testimony that has been presented here, which is this, that many of the States to which this problem has been presented are unwilling to accept responsibility either for the education or the law enforcement unless the Federal Government makes sufficient contribution to that end.

Senator WILEY. That is right.

Senator O'MAHONEY. And you are just giving us the amount that was expended in your State.

Mr. ONSRUD. But you do have a pertinent question as far as juvenile delinquency is concerned, because of the fact that the program that the Federal Government still undertakes to administer and operate, namely, general assistance, is a program that it is our experience they are trying to get out of business in. By that I mean, they are applying the various directives which make sort of a checkerboard of the Indian area that they supervise.

For instance, it is our experience from the reports of our county directors that if an Indian is on what they call taxable land, there is a disposition not to take care of him. Now, that might be theoretically correct. The difficulty is this, that these people in—let us take Turtle Mountain, for instance—there are two townships up there—the Indians are spread out just like ink on a blotter.

Senator O'MAHONEY. May I say to you, sir, that that is a result of the clash of opinion in the Congress. During the last Congress during the 83d Congress, there was a definite move toward the termination of Federal jurisdiction over Indian affairs. In this Congress, a bill has been introduced, the object of which would be to strip the Federal Government of all jurisdiction over Indians, and put the Indians on their own, which would mean in many states, and I think in North Dakota, to put the Indians in the care of the State. The whole welfare problem, the whole law enforcement problem, would then be in your hands.

Now, the legislative committee, which is the committee on Interior and Insular Affairs, is seeking to work out an adjustment of this legislative problem so that we can do the best that can be done.

The Commissioner of Indian Affairs has indicated his readiness to cooperate with the committee in that respect.

Now, the problem of appropriations has nothing to do with this committee that is sitting here today. We have no authority over it. The Committee on Interior Department Appropriations is now sitting and is holding hearings every day, morning and afternoon, and I think it would be very desirable, Senator Langer and Senator Young and Congressman Berry, before these witnesses from North Dakota were to leave the city of Washington, that they should ask Chairman Hayden of the Interior subcommittee for an opportunity to tell this story of the lack of appropriations, because until that committee and the House committee move in that regard, we are not going to make much progress.

The information which is to be submitted by the Department of the Interior now with respect to the need of personnel and of appropriations will be helpful, and I am sure that this committee, and speaking for myself as chairman of the Indian Affairs Subcommittee of the Legislative Committee of the Interior, I shall be glad personally to lend what aid I can to the Department of the Interior in presenting this unbudgeted request.

I think that we ought to increase the budget for these problems of education, welfare, and certainly for law enforcement.

Now, does that not cover your story?

Mr. CHUMBRIS. Yes. We have just two points, Senator, that I would like to raise, and they deal specifically with the juvenile delinquency phase of the problem.

Senator O'MAHONEY. All right. Let us get back to juvenile delinquency.

Mr. CHUMBRIS. Yes, sir. One of them is this: We found in our testimony in North Dakota, which is inserted in the record, that on page 37, exhibit No. 4, which shows several offenses, specifically, nonsupport, adultery, and unlawful cohabitation, which in and of themselves have a material effect on youth, and the——

Senator O'MAHONEY. But that is not juvenile delinquency you are talking about now.

Mr. CHUMBRIS. Well, sir, it is the juvenile delinquency that results from these 3 offenses that we are very much concerned with, and we believe that the testimony indicated that 1 of the reasons that those offenses are prevalent is that the maximum penalty under the tribal law is about 3 months for nonsupport, whereas it is 5 years under State jurisdiction; for adultery it is 30 days, whereas it is 3 years under State jurisdiction; and for unlawful cohabitation, it is 30 days under the tribal law, and 1 year under State sentence.

And testimony came out, if the Department of the Interior and the Bureau of Indian Affairs, which has jurisdiction over those reservations could in some way bring those maximum penalties in line under the court of Indian offenses as compared to the State court, there would be a deterrent to those particular offenses which we have found from testimony derived in North Dakota has an impact on youth.

We would like to bring that to the attention of the Commissioner of Indian affairs and ask him, since these recommendations were submitted to the Department of the Interior and Bureau of Indian Affairs, whether they have done anything to make a study of that problem and correct it.

Mr. EMMONS. You brought that to my attention that day we had this conference.

Mr. CHUMBRIS. Yes, sir.

Mr. EMMONS. That is what poses a problem.

Mr. Benge, I am not speaking as an expert on this. We are just trying to figure out some way to solve this thing. I understand that is the purpose of this hearing.

In a case here, where, let us say, under a Federal court the sentence would be maybe 3 years, and in a State court maybe it would be a 2-year penalty, a tribal court gives only maybe 5 days, because they do not have the money to keep an Indian in jail any longer than that.

And even when they imprison a member of their tribe in the county jail, they have to pick up the check, do they not?

Mr. BERGE. Yes, sir; that is right.

Mr. EMMONS. Where the tribe does not have any funds whatsoever, we are setting up the money for law enforcement, and who is going to pick up the check? I think the Indian courts would give the Indian the full penalty if they had the money to take care of him while he was in jail.

Mr. BERGE. May I speak on that, Mr. Chairman?

Senator O'MAHONEY. The point is that there is a difference in penalty.

Mr. BERGE. I think the point Mr. Chumbris addressed his remarks to is the effect that the Department regulations and in some instances the tribal codes themselves under which the tribes operate provide a far less severe penalty for the same act than the laws of the State

provide, and that some action ought to be taken to bring the penalties for the same act in line with each other.

Isn't that right, Mr. Chumbris?

Mr. CHUMBRIS. Yes, sir.

Mr. BENGE. There are two things that can be done in that respect, Mr. Chairman. One is that the Department can undertake to amend its own regulations to accomplish as much of that change as it can do.

The other thing is that I think that the Congress itself will have to pass a law to abolish a tribal code and provide the penalty in place of the one that the tribe provides, because in those instances where the tribes have acted under their constitutions, the Department of the Interior has no authority to change those laws. It is up to the tribes themselves, or the Congress in the exercise of its power to do so.

Senator O'MAHONEY. Is there anything else, Mr. Attorney?

Mr. CHUMBRIS. Just one other question.

Mr. EMMONS; is the position of the Commissioner of the Bureau of Indian Affairs in unison of thought on the responsibility of superintendents and area directors in matters for the establishment of paternity and also in regard to its relation to the aid to the dependent children program? That was brought out during the course of the hearings repeatedly; that failure of the superintendents and area directors to exercise any thought on the matter left those matters up in the air where there was absolutely no action taken in establishing parentage for illegitimate children or in requiring the mother to take any action to establish parentage before she receives aid to dependent children.

We would like to know if anything further has been undertaken by your Bureau since these recommendations were submitted to you approximately a month ago?

Mr. EMMONS. Will you undertake to answer that, Miss Gifford?

Miss GIFFORD. This can only be approached, as it has been approached, through this process that Mr. Benge has outlined, because where we have the tribal courts, or our own departmental courts, we have to establish a procedure by which this can be done. I think we should also remember that in the place where county courts do operate, then that process is handled through the county court.

Also, I do know that the Social Security Act requires, now, that before eligibility for aid to dependent children can be determined in the case of desertion or nonsupport, there must be action taken in a recognized court.

I think this again goes back to the decision in North Dakota of what we do about jurisdiction over law and order.

Now, under the Social Security Act, the action is of as much interest to the county as it is to ourselves, that is, to the Bureau of Indian Affairs, since those funds come from the Federal Government under the Social Security Act, and the State, and not from the Bureau of Indian Affairs. I think it has to be a cooperative, joint effort, and I would agree that we need to assist the county in whatever way we can within the existing tribal laws and regulations, of course, to deal with this problem.

I recognize that it is a theory, but it is not, I think, something that we can completely handle ourselves.

Mr. CHUMBRIS. Has the Bureau of Indian Affairs considered suggesting legislation to correct these two particular items, the changing

of the maximum penalties, and the matter for the establishing of parentage?

MISS GIFFORD. Mr. Bengé has already answered that, because it comes within the realm of the tribal code, charters, and the Federal regulations.

MR. CHUMBRIS. I understand. But has the Bureau adopted any policy wherein it would recommend to the Congress that a change be made?

MISS GIFFORD. We have given some thought to it. We have not started to finalize that action. It is a very involved process.

SENATOR O'MAHONEY. As I understand the response, it is this, that where the tribes have tribal codes, and are authorized to have such codes by treaty, there is nothing you can do.

MISS GIFFORD. That is right.

SENATOR O'MAHONEY. It is a matter of Indian jurisdiction, completely.

MR. CHUMBRIS. Yes.

SENATOR O'MAHONEY. So far as the State offenses are concerned, there is nothing in the world that either the Congress or the Bureau of Indian Affairs can do. The only jurisdiction that the Bureau has on this point lies under those circumstances where the Bureau has the right to impose regulations.

That is the complete story, is it not?

MR. BENGE. Yes.

MR. CHUMBRIS. That is right.

SENATOR LANGER. Mr. Chairman, a few years ago Mrs. Langer and I spent a week down with the Navahos. We found children there 16 years old that could not talk a word of English.

SENATOR O'MAHONEY. They are making considerable progress.

SENATOR LANGER. We went to Senator Chavez and Senator Hatch, who introduced a bill for \$50 million to take care of those Indians, the Navahos and the Hopis in Arizona, and look at the Congressional Record. We had a lot of debate on it. You were in the Senate at that time, and you took part in that debate yourself, and you remember we passed it in the Senate, but it was killed in the House.

Now, it seems strange to me that here I sit in a Foreign Relations Committee. We send \$50 million to India. We send \$3.1 billion last year—

SENATOR O'MAHONEY. We take care of the Indians all right.

SENATOR LANGER. Yes. They take care of them over there. We sent \$3.1 billion last year to foreign countries.

I think that Mr. Emmons and yourself and Senator Young and myself and Congressman Berry and Mr. Onsrud and Mr. Hart, if we all go before this Appropriations Committee, and instead of asking for a measly \$2 million or \$3 million, go there and ask for \$75 million or \$100 million, which is what you really need to put into these schools, and really need to educate these people and to take care of their—

MR. LEWIS. That is what we need.

SENATOR LANGER. To take care of the insane. We can take it in North Dakota and show where there are 12 people living in one room. We can show you want and suffering and starvation that way.

Isn't that right, Mr. Hart?

MR. HART. Yes, sir.

MR. ONSRUD. Yes, sir.

Senator LANGER. Mr. Onsrud there, the head of our public welfare board, he can tell you. He can tell you about the suffering, and so on. The Governor of the State, Governor Brunsdale, he has gone out and found hunger, want, and suffering out there.

Now, certainly, Mr. Emmons, a determined man like he is, and a man of exceptional ability, I think if we would all go in there together, that we could really get an appropriation worth while.

All you have got is 200,000 or 300,000 Indians. Here we are going to save the world. We are going to save Indonesia and Indochina and Burma and Red China. We are going to save them all, and you know, we cannot even take care of 200,000 or 300,000 Indians.

Senator O'MAHONEY. The questions which have been asked of you gentlemen from the Department and from the Bureau today are asked by the members of the Senate committee. Those questions, with respect to the amount of money which is required to do the job that must be done, and the amount of personnel, you can answer freely and fully without any violation of the budget law, because the questions come from the legislative body. I am sure you both understand that completely.

Mr. LEWIS. Yes, sir.

Senator O'MAHONEY. I know you will have obstacles. You may have obstacles in Congress itself.

But the record is clear. There is a bad situation with respect to law enforcement in North Dakota and in other States on the Indian reservations. It ought to be cured. If it is not cured, it will have an effect upon juvenile delinquency greater than it already has had, and there is a responsibility, and we are now going to try to cooperate, the Interior Department, the Bureau, and this committee, to correct it as far as it can be done.

Senator LANGER. Senator, if as chairman of the Subcommittee on Indian Affairs you get up on that Senate floor, and you give 1 speech, then if Mr. Emmons asked for \$50 million or \$75 million, it would do more to carry that appropriation than anything that could be done.

You have got a lot of fellows on that floor that are sympathetic with the Indians.

You take in South Dakota when they discovered gold fields down there, the Homestead mine, they chased the Indians out, and William Randolph Hearst ended up owning the mine. You were on the Indian committee with me a few years ago, and you remember that Elbert Thomas, of Oklahoma, said he did not know of a single treaty that the white man ever kept with the Indians.

I believe you asked him the question yourself, whether he could name one.

Now, you and I are going over the hill. We have only got a few short years left. If we can just go out and take care of these Indians, when we meet old St. Peter up there, he is going to say, "Well, you two guys didn't do such a bad job after all."

Senator O'MAHONEY. I think we have covered the subject pretty well.

The CHAIRMAN. Being just about 2 or 3 years younger than either Senator Langer or Senator O'Mahoney, I will say 1 thing, that there are no 2 more vigorous fighters for the welfare of the Indians

and the little people in Congress, and we do not want them to go over the hill for 25 or 30 years.

But I do want to add on my own in this discussion, this statement. I am sorry I have not been able to be here, but it was a matter beyond my control.

But I was amazed when I was out in North Dakota with Senator Langer at not only the poor law enforcement, the horrible jail that these people were kept in, and inadequate schools, but I thought that in their homes and all the way around they are just not getting the break that they deserve.

And it seems to me that if we are going to build up their lot so that they can be integrated into our society and our Government—and that is what we all look to, so that we will not have this continuing problem, there is going to have to be some real support for a better break for the Indians from the Bureau, from the Bureau of the Budget, and from the Congress.

I have not been as familiar with the matter as my colleagues here, but it is quite apparent that they are being stinted in their opportunities, and they ought to have more money, they ought to have more attention, and we need to have a more coordinated effort all the way around, with the Federal Government taking the leadership.

I would like to ask my colleagues this. I am sure that this subcommittee in its further report on this hearing will back up the suggestions that have been made here.

Senator O'MAHONEY. Well, Mr. Chairman. I resign and leave you the chairmanship.

The CHAIRMAN. No. You carry on.

Senator LANGER. If we can get a hearing before this Appropriations Committee meeting now and have Mr. Emmons make the appointment, with our friends from North Dakota and Senator Kefauver and Senator Young and you and me present—

Senator O'MAHONEY. Mr. Woodruff, the clerk of the Subcommittee on the Interior Department Appropriations, is present, and we hereby serve notice on you, sir, to advise Senator Hayden, that a delegation of Senators and Representatives—

Senator LANGER. Mr. Emmons and Mr. Lewis.

Senator O'MAHONEY. They desire to have an opportunity to be heard.

Senator LANGER. Monday or Tuesday, so that the men will not have to stay here so long.

Mr. WOODRUFF. I will discuss the matter with Senator Hayden, and I am sure he will look forward to the group coming before the subcommittee, Mr. Chairman.

Senator LANGER. We do not want just one man there. We want the whole committee.

Mr. EMMONS. Mr. Chairman, could I make just one statement, because I think it is quite necessary for the committee to know, because I realize that all these factors exist.

But we also realize that it is an economic condition that is existing among these Indian people.

I just wanted you to know that we do have programs going on parallel to the services that we are trying to give. I think that I have stated, and I stated before you, sir, in your hearing the other day, that

there are three cardinal points on our program which we hope will be of assistance to the Indian people.

As you know, the first is better health; the second is education; and the third is economic development. And we do, in the process of working out something good for the Indian people, work through that third phase. And I have stated this, and this is a matter of repetition, but we have had organized outside of Government itself a nonprofit corporation which will conduct, without any Government expenses whatsoever, economic surveys, research, in various Indian areas, to see if we cannot raise the standard of living of these people. I do not think that we can blame the Indians of North Dakota.

If they are living in dire want, as you say, and they are not employed, we are trying to work out some means of their raising their standard of living, and I hope that we are going to have some good results from that.

The organization has been formed. We still do not have the money from the foundations, but we expect to get it, to have these surveys conducted. They are more than surveys. They are absolute factual research.

So I just thought I would point that out, that we are trying to get down to the root of the thing, because if those people on Turtle Mountain, for instance, are existing on a reservation that will not support apparently over 250 families, and yet we have approximately 7,000 Indians on Turtle Mountain, legislation is not going to accomplish all the purposes.

We have to get down to the root of the evil, and that is what we are attempting to do.

Senator LANGER. In the meantime, we will keep them from starving.

Mr. EMMONS. Yes, sir.

Senator O'MAHONEY. He said he was trying to get at the root of all evil. That means he is going to get the money.

This subcommittee is adjourned.

Mr. LEWIS. Thank you, Mr. Chairman. We appreciate having this opportunity.

(Whereupon, at 4:20 p. m., the subcommittee adjourned.)

JUVENILE DELINQUENCY (Indians)

THURSDAY, APRIL 28, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
Phoenix, Ariz.

The subcommittee met, pursuant to notice, at 8:50 a. m., in the house of representatives chambers, State Capitol Building, Phoenix, Ariz., Senator William Langer presiding.

Present: Senator Langer.

Also present: Peter N. Chumbris, associate counsel; and Lee McLean, editorial director.

Senator LANGER. The hearing will come to order. Mr. Reporter, will you stand, raise your right hand and be sworn?

Do you swear that you will take and make a transcript, a true and correct transcript of the proceedings in this matter?

The REPORTER. I do.

Senator LANGER. I very much regret that Senator Kefauver could not be here himself this morning. Senator Estes Kefauver is chairman of the Subcommittee on Juvenile Delinquency of the full Judiciary Committee. Ordinarily he conducts these hearings. Unfortunately he had hearings set at other places, and could not be here to conduct this particular one.

Mr. Kefauver, I think, as all of you know, has made a national reputation in the conduct of these hearings for his fairness and is perhaps the best qualified man in the entire United States Senate to conduct hearings, not only of this nature, but any kind of a hearing.

It is a source of great pleasure to me to find that the distinguished Senator from Tennessee appointed me as chairman of the subcommittee, in order to give me an opportunity to carry out this hearing along the lines that he has laid down.

This hearing is going to be entirely informal. First of all, in accordance with the suggestions of Senator Kefauver, who is a great friend of the Indians, and who came out to North Dakota to help me—or rather, I tried to help him—conduct the hearings out there—I want to know how many Indian chiefs are here?

Will you stand up and come forward, please, sir? Come on up. I want to welcome you very heartily. I want you to sit down here with me and help me conduct this hearing.

A VOICE. I am the interpreter, sir.

Senator LANGER. Very well. Will you raise your right hand and be sworn, please?

Do you swear that you will truly interpret the questions that I propound to your chief, from the English into the Indian language, and then also that you will truly interpret the answers that the chief gives to you in the Indian language, to me in the English language?

A VOICE. I do.

Senator LANGER. Thank you.

Now, are there any other Indian chiefs here?

Mr. CHUMBRIS. Senator, this is Paul Jones, chairman of the Navaho Tribal Council.

Senator LANGER. It is a great pleasure to have you here, and we will have you sit right over here on the other side.

Mr. CHUMBRIS. And this is Wendell Chino, of the Mescalero Apache Tribe.

Senator LANGER. I am glad to meet you. You will sit over here, please.

Mr. STEVENS. I am Jesse J. Stevens, chairman of the Tribal Council of the San Carlos Apaches.

Senator LANGER. You are an Indian chief also? Well, you sit right here, right next to me.

And you, sir, are another chief. Well, just get a chair and sit over here. You can move over closer, if you would.

Now, I want you gentlemen to know that you are conducting this hearing just as much as I am. You can ask any question any time you want to of any witness.

Do you follow me on that, gentlemen?

Mr. STEVENS. Yes, sir.

Mr. CHINO. Yes, sir.

Senator LANGER. In other words, this is a very informal hearing, where we all, as Americans, get together and try to solve a problem that has caused a lot of grievance down in Washington. It is not only a State problem, but it is a national problem, this matter of runaway fathers, who get across the State line and desert their wives and children.

Now, this hearing is not a criticism of any city, State, or county official. It is just something that this Senate committee is trying to do to help your people all over the country.

So far as the Indian hearing is concerned, I want you to know that the investigation so far by Senator Estes Kefauver has disclosed that juvenile delinquency is not any worse among the Indians than it is anywhere else. There is no criticism intended here of any juvenile delinquency among the Indians, because we find it is no worse among the Indians than it is elsewhere.

But what we do find is that economically the Indians are being discriminated against. They are discriminated against in matters of education and GI loans, and all that sort of thing, and naturally, when the head of an Indian family cannot get a loan that some other veteran can get, the National Government is interested, because a citizen of the State of Arizona is a citizen of the United States and, therefore, the Federal Government comes into the picture.

Mr. Chumbris, will you take over and proceed?

Mr. CHUMBRIS. All right, sir.

Our first witness will be Mr. Paul Jones, chairman of the Navaho Tribal Council.

Senator LANGER. How many witnesses have you here?

Mr. CHUMBRIS. Senator, by looking at the audience, I find that we have 10 who are already present.

Senator LANGER. All right. Have them all stand up and I will swear them in in a group, rather than one at a time, and that will save us a lot of time.

Now, do you solemnly swear that you will truly and correctly testify in this pending matter, so help you, God?

(A group of prospective witnesses was duly sworn.)

Senator LANGER. Now, Mr. Chumbris, if anyone else comes in who is going to be a witness and who has not been sworn in this group, will you please notify me to that effect?

Mr. CHUMBRIS. Yes, sir, Senator.

Senator LANGER. Will you please take this chair, Mr. Jones?

Before we start with witnesses, I have a telegram here from Senator Kefauver expressing his regret on not being able to be here:

Sincere wishes for a successful hearing. I regret my inability to be present, due to the hearings on constitutional amendments and other committee work here. Regards to yourself and the staff.

It is signed by Estes Kefauver.

I want to repeat again that this very distinguished and able Senator cannot be here personally, but I will do the best I can in his absence.

Mr. HAVERLAND. I have a statement here from Commissioner Emmons that I would like to have inserted in the record.

Senator LANGER. Certainly. That will be inserted.

(The statement by Commissioner Glenn Emmons is as follows:)

STATEMENT BY COMMISSIONER OF INDIAN AFFAIRS GLENN L. EMMONS FOR INCLUSION IN THE RECORD OF HEARINGS OF THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, PHOENIX, ARIZ., APRIL 28-29, 1955

At the outset I would like to emphasize that I am by no means an expert in the highly complex field of juvenile delinquency. Like other citizens, however, I have been deeply concerned by the evidence that we as a Nation are faced with a widespread and increasingly serious problem in this field. And I believe firmly that the Bureau of Indian Affairs should join forces with other public and private agencies both in dealing with delinquency directly and in improving, on a longer term basis, the environmental conditions which nourish it and give it life.

As the members of this committee doubtless realize far better than I, it is difficult, if not impossible, to obtain really accurate and dependable statistics on the actual scope of the juvenile delinquency problem in any particular area. The most we can hope for are the statistics on delinquents who do fall into the hands of the law together with generalized impressions picked up from other official and unofficial sources.

With this qualification in mind, I would venture the comment that delinquency is probably no more serious among the younger generation on Indian reservations than it is among other segments of the population. It is true, of course, that in many Indian communities of the Southwest and elsewhere we find the kind of rural slum conditions that tend to produce juvenile delinquency. And it is also true that many of our Indian youngsters are in transition between two cultures and the conflicts and tensions which they undoubtedly experience are perhaps a factor contributing to the existence or accentuation of delinquent tendencies. Counterbalancing this, however, we have the well-known fact that in many, if not all, of the traditional Indian tribal cultures there are sanctions and controls which have served historically to keep juvenile delinquency—and lawlessness generally—rather effectively in check. On reservation after reservation we find that these sanctions and controls are still active today and that they are vigorously effective. This is a factor which should, I believe, constantly be borne in mind in any appraisal of the delinquency problem among our Indian youth.

All of us in the Bureau of Indian Affairs, however, recognize that juvenile delinquency is a serious problem among the Indians, particularly so in certain areas of Indian country. We also recognize that we must use our available resources and ingenuity to the fullest possible extent both in coping with it directly and in counteracting the corrosive environmental factors that frequently lie behind it. Because the physical facilities and manpower resources which the Bureau has for dealing with this problem are severely limited, we do not have and never have had any illusions about our ability to bring Indian juvenile delinquency singlehandedly, under full control. We need and we earnestly solicit the active assistance and cooperation of all agencies—State and local, public and private—which are in position to be helpful.

Right now we are moving along two different lines in an effort to produce more effective countermeasures against delinquency in Indian areas. One line of approach involves the transfer of jurisdiction over these areas from the Federal Government to the States under provisions of Public Law 280 enacted in August 1953. In this field we are necessarily proceeding with some caution and carrying out full consultations both with the Indian groups which would be affected and with the State and local authorities who would take over the law enforcement responsibilities. However, wherever the conditions are suitable and the situation is ripe, we are prepared to recommend a transfer of jurisdiction that would bring the regular law enforcement agencies of State or county into action on the Indian reservations. Under the terms of Public Law 280 itself such a transfer has already taken place affecting all but 2 of the Indian reservations in the 5 States of California, Minnesota, Nebraska, Oregon, and Wisconsin. Within the past several weeks similar action has been initiated which will eventually affect Indian reservations and communities in Nevada.

The second line of approach is one we are following in response to specific suggestions made by this committee. As you know, we are seeking something like a fourfold increase in our appropriation for law and order work during the coming fiscal year. In view of the serious understating which has chronically hampered the Bureau's law-enforcement activities for so many years, I believe firmly that such an increase is long overdue. If it is granted, I am confident that we shall be able to increase the effectiveness of our enforcement work rapidly and substantially in the months that lie ahead.

Turning now from the immediate problem of delinquency to the more deep-rooted factors that lie behind it, I believe all of us would agree that such delinquency as exists among Indian youngsters today is very largely a result of three prime environmental factors. These are (1) the poor health conditions that prevail in so many Indian communities, (2) the widespread illiteracy and near-illiteracy among certain tribal groups, and (3) the sharply limited opportunities for regular employment or for making a decent living that are available to most Indians living on reservations.

During the past 15 months or so the Bureau has been concentrating a major share of its energies and resources in an intensive drive on these three specific problems. We have launched and carried forward a greatly expanded program of preventive medicine designed to bring the benefits of modern sanitation directly into Indian homes and communities; this is a program which will be transferred next July 1 to the United States Public Health Service and will, we are confident, be carried on with increasing vigor and effectiveness. In the educational field we have achieved our most gratifying results on the Navaho Reservation where about half of the 28,000 children of regular school age were growing up illiterate, because of lack of facilities, as recently as December 1953. Since that time, with good cooperation from tribal and local authorities, we have managed to provide facilities for thousands of these previously schoolless Navaho children. Today the total enrollment is over 22,000 and by next fall we confidently expect to provide accommodations for all who are able to attend. On the economic front our aim has been to broaden the horizons of opportunity available to the Indian people. We have been doing this in part by a program of relocation assistance which helps the Indian worker and his dependents to resettle in areas where jobs are more plentiful and in part through encouraging and stimulating a privately financed program of economic surveys of key Indian areas which we hope will be initiated in the near future.

All of these programs, of course, were originally conceived and most of them were activated many months before attention was sharply focused on the juvenile delinquency problem. They were aimed not specifically at that problem but rather at fundamental deficiencies and handicaps which have existed for years among a substantial segment of the reservation populations. Nevertheless, it seems en-

tirely clear that constructive action in any or all three of these fields will help to eliminate the kind of conditions that produce and accentuate delinquency whether they are found on Indian reservations of the Southwest or in the back alleys of our great metropolitan centers. In fact, I believe that every step we take in the direction of improving Indian community environments and widening the horizons of opportunity is a positive contribution toward a sound and lasting solution of the juvenile delinquency problem.

Senator LANGER. Will you proceed now, Mr. Chumbris?

STATEMENT OF PAUL JONES, CHAIRMAN, NAVAHO TRIBAL COUNCIL, ACCOMPANIED BY JOHN CARMODY, CHIEF, COMMUNITY SERVICES, WINDOW ROCK, ARIZ.

Mr. CHUMBRIS. Will you please state your full name?

Mr. JONES. Paul Jones.

Mr. CHUMBRIS. And your address?

Mr. JONES. Window Rock, Ariz.

Mr. CHUMBRIS. And a letter just addressed to Window Rock, Ariz., will reach you?

Mr. JONES. Yes, more particularly box 103.

Mr. CHUMBRIS. Box 103, Window Rock, Ariz.?

Mr. JONES. Yes, sir.

Mr. CHUMBRIS. What is your official capacity?

Mr. JONES. I am chairman of the Navaho Tribal Council.

Mr. CHUMBRIS. How long have you been the chairman?

Mr. JONES. Just since April of this year.

Mr. CHUMBRIS. Of 1955?

Mr. JONES. 1955.

Mr. CHUMBRIS. And have you served in any capacity with the council previous to your becoming chairman?

Mr. JONES. Yes, as a tribal interpreter for about 16 years.

Mr. CHUMBRIS. Mr. Jones, would you please explain to the Senator, or rather, to the subcommittee, some of the major problems on the Navaho Reservation that deal with either education, law and order, health facilities, employment, relocation, the ability to get loans—anything that will be a problem that the subcommittee can refer to Congress in order to improve the conditions on the Navaho Reservation.

Mr. JONES. Yes. I will start with the last item that you mentioned, because that has been very greatly regretted by the veterans of World War II. I am a veteran of World War I, but these Indian boys, Navaho Indians boys, who have been called to serve with the rest of our young men of these United States, this great country of ours, were treated as an equal when they were summoned to serve in the Armed Forces, and they fought with other young men who were called to fight the war. They were considered equal.

However, when they returned to their own country, after having served in the best manner possible, they are often considered, and quite often I have heard myself referred to as a second-class citizen group.

Now, they have been equal in other work of servicemen, whether in peace or in war, but when they return they are not equal with those who have served, who belong to different races, and who do not live on Indian Reservations, particularly as the Senator just mentioned, that they were discriminated against, that they were not allowed to

receive loans, in order to engage in business, or to buy a home, or to get something that would give them a better type of living, that all of us are anxious to acquire.

It has often been stated to us that:

The Government is your protector, you are a ward of the Government, hence you are not entitled to receive a loan from any source, particularly from a bank outside of the Government service.

Now, that has handicapped my Navaho people to a great extent, so that they have complained to the heads of the tribal government, and that complaint has reached me to a great extent. That is one of the biggest problems we have at the present time. We resent our white people, who are eligible to receive these loans, referring to us as a second-class citizen.

We have acquired the right to exercise a citizen's responsibility, namely, to exercise the franchise, to vote in our State government, for Senators and Congressmen in the National Capital, and so on, but nevertheless we have been considered and have been referred to quite often as citizens of the second-class, and we do not like that.

Since we have served ably with the rest of the Armed Forces, we believe that we are equal in every respect.

In my time I was across in France, Germany and Italy, and I do remember, and I resent being referred to as not being equal to the rest of the citizens in these United States, where, as I understand it, each man should be equal to the other citizen.

That is one of the sore spots that we have, I am afraid, not only the Navahos, but with the other Indians as well.

We are also discriminated against in public places, in amusement gatherings, restaurants, and so forth, and unfortunately, or maybe fortunately, we have not been treated fairly in bars—I have never been in a bar yet, but I am told that the Indians are discriminated against, even though they have that right in New Mexico.

So much on that; if there are any questions on that?

MR. CHUMMIS. Mr. Jones, dealing with this problem of loans the subcommittee, after its hearings in North Dakota, the subcommittee recommended in its interim report to Congress that a plan be instituted of direct loans from the Federal Government to the Indian peoples similar to the plan where they have direct loans to the veterans of World War II.

How do you feel about a plan such as that?

MR. JONES. I believe that that would be of great help to us. I might refer back to the fact that we have enjoyed, to some extent, where the tribe had received—or rather, where the tribe had received a loan from the Government, and they in turn were in the loan business with their own people, using that Government money, but they were responsible to make that repayment—the tribe was responsible for that—but due to inexperience on the part of the tribe, it is now being held up, and it is our hope that it will be reactivated again shortly, that is, because of our experience to handle that in the proper way—or rather, because of our lack of experience to handle that in a proper way or repayments were not coming in, they were very slow. So that was held up pending the time when there would be enough money received so that we could again be in the loan business.

SENATOR LANGER. Were you in the loan business for a while?

MR. JONES. Yes, sir.

Senator LANGER. And what was the record of repayment?

Mr. JONES. I was just informed a couple of days ago that our repayment is almost 75 percent at the present time, and I am told that it will exceed 75 percent, and then we will again be in business.

Senator LANGER. Were there some cattle loans made to the Indians?

Mr. JONES. I don't believe recently—in the past we have had some cattle loans.

Senator LANGER. Who stopped it?

Mr. JONES. Well, I don't know who stopped it, but it was handled by the Government first.

Senator LANGER. In North Dakota the repayment by the Indians, I might tell you, was higher than the rate of repayment by the so-called white folks.

Do you know what the record is among the Navahoes?

Mr. JONES. We have very little in that connection.

Senator LANGER. How many loans were made, do you know?

Mr. JONES. I don't know.

Senator LANGER. Where can we get that information?

Mr. CHUMBRIS. I think the superintendent from the Navahoes is here, Mr. John Carmody, and he might be able to answer that question.

Senator LANGER. Mr. Carmody, can we find out how many loans were made? Come on up here and sit at the table with us. We will be delighted to have you, Mr. Carmody.

Now, let's settle this loan thing right now, as to why the loans are not made, who is to blame for it. If the blame is in Washington, we want to know it, we want to get the records, if we can, Mr. Carmody.

Mr. CHUMBRIS. Will you state who you are, Mr. Carmody?

Mr. CARMODY. My name is John Carmody, and I am chief, or rather, I am Assistant General Superintendent in Charge of Community Services.

The loan part of the business is not my responsibility, but I am sure that we can get a complete statement for the record as to the loan situation on the Navaho Reservation, and if you desire, we will have that mailed to you.

Mr. CHUMBRIS. Will you see that it is mailed to the subcommittee?

Mr. CARMODY. Yes.

Senator LANGER. Can you give us any general idea as to how many loans there were, what the total amount was, and why the loans were stopped?

Mr. CARMODY. No, sir; I cannot.

Senator LANGER. Who would know?

Mr. CARMODY. Well, we would go to Mr. Dixon, in the Resources Division, to get that information.

Senator LANGER. Is he here?

Mr. CARMODY. No, sir; he is not.

Senator LANGER. Where is he?

Mr. CARMODY. He is at Window Rock, Ariz.

Senator LANGER. Where is that?

Mr. CHUMBRIS. It is in the northeast corner of the State, it is up near Gallup.

Mr. CARMODY. About 400 miles away.

Senator LANGER. Well, I will state that Mr. Jones is entitled to know why these loans were stopped, and how many were made. We want to know the rate of repayment, and whether it was as good as that of

the white folks. We want to know why an Indian veteran coming back here cannot get a loan.

Mr. JONES. I might state in connection with the tribe, with the loan that we had, they were limited for specific purposes. For instance, if the men wanted to buy material in order to build a house, if he wanted money for that purpose, he was not eligible to receive a loan for that from the tribe. This was only something which would give him returns—productive loans is what they were called. That is the type of loan that we were able to make.

So it would be all right if you could go into business and could make money off of it.

But if you wanted money in order to build a home, or wanted to buy something else outside of the home, you were not eligible on this type of loan.

I might state the reason that it was stopped was because of our inexperience in handling that, and that the repayments were not being made as fast as they should have been, and we had no more money to lend, because the money was not being repaid. That is really what stopped it.

Then, of course, our council had to go to work on our people, urging them that they should live up to their promises of repayment, and it has now gotten to the point where, I was told 2 days ago, that a total of 75 percent of the total outstanding loans were repaid.

Senator LANGER. Well, that is as good a record as the white man made on the seed and feed loans. Your record is every bit as good as the white man made, and I don't see why they stopped your loan.

Do you know why?

Mr. JONES. They stopped because there was no more money, there was not enough money coming back in the revolving fund, so it just stopped. There was no more money.

Senator LANGER. In other words, Congress did not appropriate more money; is that the idea?

Mr. JONES. We did not ask Congress to appropriate any more money. Congress loaned us \$700,000 for loan purposes; and when it was used up, we had hoped that it would be in a revolving fund so that money would be coming in right along, but it did not work out that way. However, it is our hope that it will work out that way from now on, now that we have had that experience.

Senator LANGER. How many Navaho Indians are there?

Mr. JONES. Can you answer that? I don't know.

Mr. CARMODY. Seventy-eight thousand three hundred and fifty.

Senator LANGER. How many of them are veterans?

Mr. CARMODY. About 3,600 or 3,800.

Senator LANGER. Three thousand eight hundred. And all they had was \$700,000, just for the Navaho Indians?

Mr. CARMODY. That was for the entire tribe.

Mr. CHUMBRIS. That would be about \$10 a person.

Mr. CARMODY. That is right.

Senator LANGER. Of course, that would be entirely inadequate, wouldn't it?

Mr. CARMODY. Yes, sir.

Senator LANGER. That was done by Congress?

Mr. JONES. That was requested by the tribe; we couldn't get it any other way.

Senator LANGER. Was it your own money? Was it tribe money or Federal money?

Mr. JONES. Well, we were responsible for repaying that money—the tribe was responsible for repaying that money to the Government.

Senator LANGER. In other words, the tribe borrowed \$700,000?

Mr. JONES. That is right.

Senator LANGER. Did you get any Federal Housing Administration loans, the same as the white man got?

Mr. JONES. No, sir.

Senator LANGER. Why not?

Mr. JONES. Well, in the case of the veterans, those who applied were told that they were not eligible, since they were wards of the Government. That is what I have been told, and that is all I know.

Senator LANGER. Will you make a note of that, Mr. Chumbris?

Mr. CHUMBRIS. Yes, sir; we will.

Senator LANGER. We ran up against that in North Dakota, you will remember.

Mr. CHUMBRIS. Yes, sir.

Mr. Jones, would you explain some of the problems of education on the reservation?

Senator LANGER. Now, wait just a minute. Don't get away from the loan thing yet.

In your opinion, what should these loans be made for? What does a Navaho Indian need loans for? He needs them for cattle, and what else?

Mr. JONES. Well, he needs it to build homes with; he needs it to get into some type of business so that he will be self-supporting. They need it just like any other white man would, who didn't have the money, and would like to be self-supporting. That covers a lot of things.

In connection with education, we have educational loans from the Government, as well as from the tribe, so that was fairly well, but it is not adequate enough. We feel that it should be more than that.

Senator LANGER. In other words, all you are asking for is the same kind of a deal that the white man gets?

Mr. JONES. That is right.

Senator LANGER. And you are not getting it?

Mr. JONES. No sir, we are not getting it.

Senator LANGER. Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. All right, sir.

Mr. Jones, as to the 10-year plan that has been adopted by Congress for the Navaho Indians, how is that plan working thus far?

Mr. JONES. It started to work just the way it was planned, and as of last year it sort of stopped. That is, it was the idea to rehabilitate the Navaho and Hopi Tribes, that is the way it was named. It was our understanding that we would use it for starting projects on the reservation so that the Indians would be employed.

As I said, last fall it changed and stopped all of a sudden, which is the biggest complaint of the Navaho people at the present time. Some of the work actually stopped, after it had started. The road program, for instance; irrigation; and also construction; those people who were employed in that sort of work were laid off.

The idea was, from the Government's side, that they did not want the Government to be engaged in business employing the Indians, and

also paying for the project as well. They wanted outside people, contractors, to come in and do the work, and it was our request that our Navahos be employed, but they brought in their own personnel, and the Navahos were not readily employed.

There were a few of them who were employed, but not very many, in connection with construction.

In that connection, of course, our Navahos, not belonging to a union, could not engage in construction unless they belonged to the union, but their complaint is that when they do actually join the union, just as soon as work slackens they will be the first ones to be discharged.

Some of them told me that they paid \$75 to join the union, and they would work a week and then be discharged with the statement that there was no more work available for them.

In one particular instance a Navaho himself came to me and said:

In this Government construction I am a bricklayer and a carpenter. I do my own contracting in Albuquerque at the same time, but when that GSA building was being constructed in New Mexico I applied for a job and I was employed. I was helping laying cement blocks, and knowing my business well, I complained to the foreman because of the type of work that was being done by the workmen, the Spanish-Americans who were employed there.

I complained that that would not be a substantial job. I was told that I talked too much and I was discharged.

I was looking out for the welfare, that that construction should be of a quality we should be proud of. The foreman did not look at it that way, and I lost my job.

Now, I went to another place where there was another Government construction job going on, and I also complained about the type of construction. We were preparing the inside of the building that was to be plastered, and there were some things missing, and when I complained about that I was told again, "You are meddling in our business, and you should keep your mouth shut, and we will do the talking."

So I was discharged.

Then I went to Taos in the Ute Country, and I was discharged for similar things.

Now, those are the complaints that have reached me since I have become chairman, and to make a report of them, which I did last week, to the Commissioner in Washington, and also to Senator Hayden from Arizona, as well as Congressman Udall. They know of these problems, and knowing about them, indicated that they would do something about it.

Senator LANGER. Mr. Jones, how many would you say, what percentage of Indians were employed on these contracts?

Mr. JONES. I dare not express an opinion, but there were very few.

Senator LANGER. Would you say there were 10 percent, or 15 percent?

Mr. JONES. No, on the construction of a building, possibly they would employ between 5 to 10 laborers temporarily for maybe 2 weeks, skilled laborers, carpenters, finishers, maybe a week or 10 days, that is all. Maybe there were about 2 or 3.

Senator LANGER. Did you have Indians who were capable of doing that work?

Mr. JONES. Quite a number.

Senator LANGER. Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. Now, Mr. Jones, do you have any further statement to make on other aspects of the problem that we are discussing, such as law and order?

Mr. JONES. Yes. I would like to refer to education a little further, however.

Mr. CHUMERIS. Go right ahead.

Mr. JONES. That has been the biggest problem, so far as the Navaho Tribe is concerned. When they made a treaty with the Government in 1868, the agreement was that they would send their children to school. Never having had children in school prior to that, they were almost forced to accept that, and they did that.

When they returned to their own reservation they were reluctant to send their children to school. Those that went were forced to go, they were picked up, those of school age, and were told to go to school, that that was their agreement.

Now, that is one of the most wonderful things that ever happened, and also in my time, shortly after that, they were still hiding us from the white people, the teachers, particularly during the time I was of school age they used to hide me, but they finally found me and sent me to school, for which I am grateful.

Later on our Navaho Council became conscious that they were far behind in education, and the more they heard about it, the more concerned they were about it. As of last fall, with Commissioner Emons in Washington working with them, the council went to work on it, and the result is amazing. We have a little better than 22,000 Navaho children of school age and in school at the present time.

It is our hope that in 1956, if the Government does not reject our school construction, that we will be able to put all of our children of school age, meaning those of the age between 6 to 18 years old, in school.

There are at least altogether estimated a little better than 28,000 children of school age at the present time, and of that number about 22,500, or thereabouts, have been placed in school. So therefore there are a little better than 5,000 children of school age who are not being cared for at this time, however, not figuring on those of the younger group, who are coming along. We have many of those.

That has been our biggest problem, and I dare say that about 85 percent of our Navaho adults are illiterate and not able to converse in English, to read or write. They cannot sign their names to any document, and that has been one of the biggest handicaps of the Navaho people. I think it is getting better to the point where they are now conscious of it and are cooperating with the Government to send as many children as there are seats for them in any type of school.

I would say that there are five types of schools. First of all, we have the small trailer schools on the reservation. That is a day school. The community takes care of that school, within walking distance.

Then we have the reservation boarding schools.

Then we have the border-town boarding schools, where the children go to public schools with white children, and we anticipate that that will be enlarged greatly this fall.

Then we have off-the-reservation boarding schools. We have children shipped as far west as Chemawa, Oreg., and to the East to Oklahoma, Kansas, and Utah, northern Utah, Brigham City.

We have about 2,000 Navaho children that we ship by buses over there every fall, and they come back after the school recess for the summer months.

Then we have the fifth type of school, the mission schools. Certain denominations provide schools for Navaho children. I think there are a little better than 1,300 going to that type of school.

It was my pledge when I was elected to the Tribal Council that I should concentrate my efforts to bring all of our children in there. We have some Navahos who are still reluctant; they feel they need their children to herd sheep and to do the work of hauling water and wood, but I have told them that it would be my business to see to it that their children go to school, knowing what it means to have that sort of an education, like I have had. That takes care of education. I could say more about that, but in general, that is what we have experienced, and we are gradually coming out of it, so that by now we are so conscious of it that about 2 years ago the tribe undertook to see that we get a high-school program so that the high-school graduates could go further in colleges, universities, and so on.

With that in mind, they have, out of their meager tribal funds, appropriated some money so that we can pay their expenses in the various schools where they qualify. I think we have a little better than 100 in various schools of higher learning at the present time, and we anticipate to continue with that program for a while.

It is not all coming out as good as we expected. I had hoped that everyone would make the grade, but, of course, some of them have fallen down on their standings in school so that they will not be eligible for scholarships any more.

We are doing as much as we can, with the help of the Federal Government. They only bring them to the 12th grade, our Navaho children, at the present time. That is the Government. Anything beyond that is up to the parents, and unless he gets a Federal loan for higher education, it will be up to the parents. I believe that is as much as I can say for education.

Senator LANGER. You have been getting the cooperation of Commissioner Emmons, have you not?

Mr. JONES. Yes, sir.

Senator LANGER. He has been very, very good in the work he is doing in behalf of the Indians?

Mr. JONES. He is one of the best that we ever had.

Senator LANGER. I might say that that has been my experience.

Mr. JONES. Last week, when I talked to him, he said, "I am still the Navaho Commissioner, because that is what the other people call me." And he is proud of it, too, and we are proud of him.

Now, I might also refer to law and order on the reservation. It is unfortunate that we do not have the personnel to take care of the needs of all the Navaho people, from 75,000 to 83,000 in number at the present time, and who are widely scattered over 3 States—Utah, Arizona, and New Mexico—and because they are scattered widely, even though we have the number figuring on the white man's needs, I think he has 1 policeman for every thousand, on that score we would have about 80, but we only have about half that number at the present time, which is not sufficient, and which is not effective, and that is due, I figure, because of the code that they use in the law and order, which is very lenient.

When a policeman brings in somebody before a judge, he is given 10 days or a \$5 fine, and from there on up, or something like that. Of course, you can imagine, if that is all it is going to cost them, the man will say, "If that is all it is going to cost me, I will do it again."

Now, one of the big reasons for that is because just recently liquor was opened up so that the Navaho Indians in New Mexico could get it. That is at the bottom of all of our lawlessness on the reservation. We are only human, like the rest of your people are. I have seen in your cities what types you have. We have the same thing on the reservations. But most of the trouble we have is from overuse of liquor at the present time.

Senator LANGER. Well, you have had the Indian Bureau for 125 years.

Mr. JONES. Yes.

Senator LANGER. Why haven't they been educated like the Government promised you?

Mr. JONES. That is a big question.

Senator LANGER. Yes; that is a big question, and I would like to have you answer it.

Mr. JONES. What I mentioned was when the Navaho made an agreement with the Government that they would send their children to school, they held back until a recent date, and, of course, I believe that the Government did their best with the available personnel coming on the reservation; they certainly did their best.

But we, on the other hand, were not all for it. We were backward. There were just a few who wanted it.

But now it is on the other hand. We are saying that the Government is not there when we are ready. However, they were there when we were not ready. So I think that we are equally to blame, and if I am not right, John, I want you to correct me on that. He has been head of the Navaho education.

Mr. CARMODY. Mr. Jones is correct. The Navahos were reluctant to send their children to school immediately after the treaty of 1868, and that continued for a number of years. However, the Government, because of the attitude of the Navahos, did nothing to stimulate or to provide funds with which to build schools in accordance with the treaty.

The treaty provided that the Government would provide a teacher for every 30 Navaho children that could be persuaded to come to school. They just got the kids who were easy to get, and the rest were lost out of school.

Senator LANGER. Did the Government keep its agreement?

Mr. CARMODY. They have not provided a teacher for every 30 youngsters.

Senator LANGER. Have they built schoolhouses?

Mr. CARMODY. At the present time we have a minimum shortage of 5,000 seats on the reservation.

That is the minimum shortage. Another thing about the educational problem, that I think we should bring out in the open, and that is of the facilities on the reservations at the present time.

It provides for instruction up to the third grade, with the exception of two schools on the reservation. After the youngsters complete the

third grade, they then must go far away from home in order to continue with their schooling. It would appear to some of us that the best thing to do would be to provide elementary training and facilities with which to give elementary training to the children at least through the sixth grade.

Senator LANGER. Has there been a shortage of money during these years?

Mr. CARMODY. Money has not been made available, that is correct.

Senator LANGER. By the Government?

Mr. CARMODY. That is correct.

Senator LANGER. Well, President Eisenhower recommended that we send \$3,500 million across the water to foreign countries, and yet the Government has not taken care of its own Indian population, isn't that true?

Mr. CARMODY. That is true.

Senator LANGER. The total Indian population when John Collier came in was 232,000 in the whole United States. Then they went out and enrolled some of the educated ones, those from Harvard and college graduates, and they put them on the rolls. What would you say the Indian population was now, overall, in this country?

Mr. CARMODY. In excess of 400,000.

Senator LANGER. And that includes all of these graduates that I have named?

Mr. CARMODY. Yes.

Senator LANGER. How many would you think—would 250,000 include all those that needed education, do you think? Or is that too high a figure?

Mr. CARMODY. I would say that that would certainly include the number that are of more than half a degree of Indian blood. Our Navaho people are virtually all fullbloods, our Navahos. We are talking about a group of people that have to be given the opportunity to get an equal start with their neighbors before they can adjust themselves into the dominant culture of the United States.

Senator LANGER. How much of an appropriation would you need, Mr. Carmody, in order to get this elementary education that you just described, the schoolhouses, and 5,000 seats, and still have teachers to take care of them? How much money should the Congress provide, in your judgment?

Mr. CARMODY. Oh, about \$15 million.

Senator LANGER. Do you think that would be ample?

Mr. CARMODY. That would give us the facilities for the elementary schoolings through the sixth grade for all of our children.

Senator LANGER. When Senator Hatch and Senator Chavez and Senator Hayden brought this matter up about 4 years ago, after I went in and investigated the Navaho thing, they recommended \$50 million. Do you think that is excessive for high schools and elementary schools and buildings?

Mr. CARMODY. No; that figure would not be excessive if it included high schools also. I just tied myself down to the elementary schooling figure.

Mr. CHUMBRIS. I might inject here that the latest figures we have show that there are 128,000 children between the ages of 6 and 18, of Indian blood, throughout the United States, and on the Navaho

Reservation there is approximately, as of 5 years ago, rather, there were approximately 24,000 children, only 11,000 of whom were in schools. So that showed that 13,000 never had been in school before. That was 5 years before, and according to the figures of Mr. Jones this morning, that has been reduced now to only 6,000, so that they have made progress within the last 3 or 4 years, although there is still a lot of progress that is needed.

Mr. CARMODY. Yes. When we say we want to recognize the fact that there is close to their homes, that we are only providing an education in many cases through the second grade, but the average goes through the third grade. Eighty-one percent of the children enrolled in school on the Navaho Reservation are third grade and below, which means that after the youngsters get their third-grade education, we must send them far away from home in order for them to continue that education, and the Navaho people prefer to have their young children close to home.

I will go on record, if I may, as saying that I believe we should exert every effort to provide elementary-school education facilities on the reservations close to the homes of the Navaho people, so that the children can be in contact with their families.

Mr. JONES. I think that is one of the biggest sacrifices that our Navaho people are willing to make. I dare say that your white people would not send an 8-year-old child 300 or 400 miles away from home, or even out of the State. We are doing it at the present time in order that they can get education.

Like the Navahos say, they squeeze their heart and hold it tight so that their children can get an education. That is how anxious our Navahos are, and how willing they are for their children to have an education at the present time. They are taken many miles away from the parents at the present time, when they need their care. I personally say that that is one of the causes of juvenile delinquency that is existing, because they are reared too far away from home, without parents' care.

There is someone else who is entered in there who did not exercise the same caution and careful training that the child needs, that the parent would give them. That is one of the main reasons for such an existence; they did not have the care of a father and mother because they were too far away from home.

Yes, they come back in the summer, for 3 months, but for 9 months out of the year they are away from home, they are reared somewhere else. That is the reason Mr. Carmody, I think, is also of the same mind, that they should be trained, so far as elementary education is concerned, near their homes, rather than a thousand miles away from home.

Now, we have children in Oregon who are 8 and 12 years old. I visited there in November, and I saw them myself, but I am happy to say that they were satisfied where they are. They were only supposed to be from 10 years on up over there, but I saw some of the boys and girls over there who looked a little small for 10 years of age, and some of them, I found out, were 8 years old.

I think the reason they are there is that they wanted to go to school so badly that they fibbed a little bit about their ages so that they could be in school. They are doing it. That is how anxious they are to get into school. That is what I found over there.

Senator LANGER. Now, when they go away to another school, do they go to school with white children or with Indian children?

Mr. JONES. Mostly with Indian children. But at the present time we have border towns where they are mingling with the white children, like in Gallup and Aztec, N. Mex.

There will be other schools around there which, as I understand it—and, John, you correct me if I am wrong—which will also provide school seats in the public schools this coming fall.

Mr. CARMODY. That is right.

Senator LANGER. Now, where an Indian child goes to a public school, the taxpayers, of course, support the public schools. Does the Government pay the public school anything for educating that Indian child?

Mr. JONES. Just from the standpoint that they provide a boarding place where they will stay while they are away from home and they are transported from there to the school.

Mr. CARMODY. In those situations, where we are bringing Navaho children from outside the district in to a city school system, the Federal Government pays the entire cost.

Senator LANGER. How much is that per pupil?

Mr. CARMODY. It ranges from \$237 to \$273 for the instructional part of the program per pupil.

Senator LANGER. Is that for a 9-month term?

Mr. CARMODY. Yes.

Senator LANGER. You may proceed.

Mr. CARMODY. There is one other factor that complicates the situation, Senator, and that is that the increase in population on the Navaho Reservation comes out in round figures of about 3,000 children per year who are becoming 6 years of age.

Mr. CHUMBRIS. I think the lady sitting there would like to ask a question, Senator.

Mrs. WALTERS. I would like to ask Mr. Jones some questions, if you don't mind.

Mr. JONES. Would you come over here so I can hear you, please?

Mr. CHUMBRIS. Will you state your name and address?

Mrs. WALTERS. I am Mrs. R. Walters, 81 North 27th Avenue, Phoenix, Ariz.

Mr. CHUMBRIS. What do you do, Mrs. Walters?

Mrs. WALTERS. Well, I work for myself. I am part Indian—English, Indian, Dutch, and Irish, and I love them all—I have been all over the State of Arizona and I know what the Indians are going through.

Now, Mr. Jones, what highway is Window Rock on?

Mr. JONES. We are not on any highway. We are nearly 27 miles out of Gallup, which is on Highway 66.

Mrs. WALTERS. Yes; Highway 66. Now, when you get a loan, are you told how to spend it or is it deposited to the credit of the Navaho Tribe, and are you eligible to use it to the best of your knowledge for your people or are you told how to use it?

Mr. JONES. When we ask for a loan, we indicate what they will use that money for. They have to have it for a specific purpose; they have to state whether they want to buy seed with it, cattle, sheep, or farm implements, or if we want to put it in a trading business or maybe a filling station, something like that.

You have to give your reason why you want that money.

They don't tell you how to spend it, but they want to know how you are going to use it.

Mrs. WALTERS. Do you have access to the money for your tribe, in order so that you can spend the money, to the best of your knowledge, or is that all paperwork handled through Government sources?

Mr. JONES. It is mostly that, because we do not get the actual cash. For instance, if a man wants a tractor for his farm, he does not get the money to buy it with. The Government people make the transaction for him and he receives the tractor.

Mrs. WALTERS. That Navaho land is very mineralized, isn't it?

Mr. JONES. Well, I wouldn't say that, but we do have some minerals.

Mrs. WALTERS. That is right; and if you were allowed, to the best of your knowledge, to make a change on the minerals in that land, and to get the percentage of all of that money that that land would produce, your tribe could survive without asking for any benefits from the Government, couldn't they?

Senator LANGER. Madam, we are going into minerals a little bit later. We will take care of that a little later.

Mrs. WALTERS. Well, let's see. What schools are those children sent to when they are away from home?

Mr. JONES. You want me to mention, for instance, in Oregon, we have one school, the Chemawa Indian School, and that was originally set up for Indians of the Northwest. They have sort of abandoned that, and they are going to public school. I don't think all of them are Navahos, I think there are some others who go to school locally with them.

In Utah, the biggest one, I think there are 2,200 who go to that, we call it the Intermountain School.

Mrs. WALTERS. Now, as you come down Highway No. 66, all you see is fences that have been pulled up, and little adobe huts. Are those the best homes that the Indians up there have to live in?

Mr. JONES. Most of them, very few of them are better than that.

Mrs. WALTERS. That is all, thank you.

Senator LANGER. That was very nice. Ask questions any time you care to. We will be delighted to have them.

Mr. CHUMERIS. This is Mr. Hoskie Cronemeyer, chairman of the law and order committee.

Mr. JONES. Can I get through with my part so that I may be excused?

Senator LANGER. Yes; go right ahead.

Mr. JONES. In connection with the Government relocation program for our Navaho Indians, the reason I say it is not very effective is because of the lack of education. We will probably have a man or a woman who has been taught a trade. Let us say that the man knows the trade, and there is a job open in Los Angeles. He goes there, and 9 times out of 10 he leaves his family behind. His wife is uneducated, and she would not feel at home in the city. Sometimes they go there because of that loneliness, and they are unable to converse with the people in Los Angeles, and they come right back home.

We have a Government fund that is set up to relocate our Navaho people on off-reservation jobs, but lack of education is holding us back. Our people go there only temporarily. We have medical and

health problems. We have facilities on the reservation, to a great extent, but they are insufficient to take care of all of them. The distances on the reservations are so great from one hospital to another. You probably would have to travel a hundred miles in order to get a doctor.

Now, that is one of the biggest handicaps that we have got. With the United States Public Health Service going into effect on July 1 of this year it is our hope that it will be better, because it is my understanding that they will teach health education, which has never been done by the Bureau.

They have operated the hospitals, they have furnished the doctors and nurses, not always sufficient, because they were so few and far between, that it was a hardship to get to a hospital, and the roads are not in such a condition that you can transport a sick person from his home to a hospital without either killing him or getting him worse.

That is one of the problems that we have had in connection with health. But it is our hope that it will be better under the new system of the United States Public Health people taking hold of the health problems on the reservation.

Now, do you have any questions? I am through.

Mr. CHUMBRIS. Fine.

Senator LANGER. Is he going to testify about general welfare, or will some other witness do that?

Mr. CHUMBRIS. We have other witnesses who will testify to that.

Senator LANGER. Well, I just want to say here, because we are going to have some other witnesses we will have to interrogate, and I would like to have you stay here with us, if you will.

Mr. CHUMBRIS. Senator, he is supposed to go to the Indian school, to the Sherman Institute in California, and wants to leave, if he may.

Mr. JONES. Yes; I committed myself that I would deliver an address to a graduating class tomorrow in Riverside at the Sherman Institute.

Senator LANGER. You have to be there tomorrow?

Mr. JONES. Yes; I am driving. However, I will be here for most of the morning.

Senator LANGER. Well, we want the witness here who is going to testify on general welfare, and I want you here at this time. I want to go into illegitimacy, and whether or not aid is being given to illegitimate children, and what kind of aid is given to the child and to the mother.

Mr. JONES. I will be here until 11 o'clock.

Senator LANGER. Very well.

(Subsequent to the hearing the following statement of Mr. Jones was submitted and ordered made a part of the record:)

INAUGURAL SPEECH OF PAUL JONES, CHAIRMAN, NAVAHO TRIBAL COUNCIL,
APRIL 4, 1955

Members of the tribal council, Area Director Wade Head, our superintendent, Mr. Spaulding, officials and friends, both white and Navaho, I welcome you all to our first session of the newly elected Navaho Tribal Council. I heartily welcome back those of you who have been reelected, and I extend a hearty welcome to those of you who are newly elected as members of the council.

I would like to bring you at this time a brief message, including a brief statement of policy. Due to my physical condition, I must necessarily make it brief, and I hope that you will bear with me in that connection.

First of all, I would like to have my Navaho people, my tribal councilmen, my friends all over the reservation and off the reservation, know about our program, and, of course, I am particularly interested in outlining it first to the Navaho Tribal Council. I have not prepared a special message to deliver to the council and to my people assembled here. I am just going to reiterate the statements that I made as I went among you prior to the tribal election. After all, what I gave you then will be the program of this council, with the cooperation of you who have been fortunate enough to be elected as members of that body, not forgetting at any time the Bureau of Indian Affairs, which has always cooperated with us as far back as I remember. Their part has always been appreciated, and I was very glad that a statement to that effect was made this morning in the very able delivery of the greeting by Mr. Young. Let me also state, before I get into my talk on general policy, that I was very happy and appreciative for the wonderful message the Commissioner sent to us, particularly directed to me and to you, my Navaho friends.

I believe that you all know that this was the first election of the tribal council solely in the hands of the Navaho Tribe. I believe you will also note that the procedure followed in terms of the preliminaries during the period leading up to the election and up to its consummation during the early part of this month was adopted from a system our white friends use in electing their representatives to the State congress or National Congress, and, since it was handled in that fashion, we believe that many things that go with elections on the outside must be included with our new council. Heretofore we have not carried out our elections in that manner. It was gratifying to note the tremendous interest displayed by all of our Navaho people in the course of electing their representatives to the tribal council. I stated that we have copied the white man's way of electing their representatives here on the Navaho reservation, and this includes the unpleasanties that go with the election of representatives to Congress. Nevertheless, I have heard you state that you will now give your support to the men who were elected regardless of differences of opinion during the campaign period, and I hope that you will reaffirm your position in that particular connection. It was gratifying to know that, coming from many of you, my people. I hope that even though I have not heard it from some of the rest of you that you feel likewise. After all, success in the accomplishment of the things that lie before us is difficult or impossible if we are divided and when there are discords among you; but when you are in line, all pulling in the same direction for a common cause, you are rewarded with success. The objective is then easily reached. I shall hope for that from you newly elected council members.

My first subject, then, is something that you have heard from me if you have listened to me before with regard to what I believe to be the most important problems, and there are many such important problems that I have outlined to you in the past. First of all, I am concerned that we have a very efficient council. That is my first point. Many of you members who have served on the council many years, to again be reelected, are fully aware of the circumstances under which you operated in time past. You, as well as our people generally, have often mentioned the fact that for various reasons the council has been justly criticized on some occasions. On other occasions the council has no doubt been criticized without real cause. I have pointed out to you before that as soon as you become a public figure, a public servant of the tribe, you become subject to criticism of various kinds. Before you assumed the status of a public figure no one ever pointed to you as an ordinary citizen in a critical manner, but with your election to tribal office someone is always pointing to you. People will dig up something you did in your childhood or when you were growing into manhood; it may be something that none knows about except your neighbor, but somehow they will bring it up, and unless you are patient you are likely to fly off the handle and try to shut up that person who is criticizing you. Many of you who have been public servants of the tribe, and myself included, have been steadfast in carrying out our duties toward our people regardless of the criticism which may be directed toward us. Those of you who have acted in that manner I wish to compliment, and I have so complimented many of you in the past. I hope you will keep that in mind and not fly off at anyone who points a finger at you. It is my belief that, unjustly, we have pointed an accusing finger at one another. Now our aim has been accomplished in terms of the election, and those things should belong to the past. We should pull together now for the common good of the Navaho people. [Applause.]

I have labored with you in the tribal council for many years—for about 16 years. I have noticed, with appreciation, your effort to do something for your people right along. I have also observed something that is not so good. Knowing those things, I feel that I should admonish you that we should learn something from those things that we have seen others do, and try to do differently—better, for our Navaho people. I said at the beginning of my talk that this was the first time that our Navaho people showed such a tremendous interest in the election of their leaders, and they were rightly enthusiastic about it. They have become aware of the fact that you as councilmen, are their spokesmen on many subjects. They have come to realize the true meaning of council representation. There are many problems within the Navaho Reservation, and knowing them, our people feel that they must appoint the best person to stand as their representative, one who will truly present their situation to the tribal council, to the Federal Government, and to the State in order that such problems may be understood and solved. Our people have come to that realization so strongly that when the candidates were nominated the people argued among themselves that one man or another was the better. Debating among themselves the relative advantages of one man over another, our people ended up by electing you to your important position on the tribal council. You, knowing that, must necessarily be convinced that you must keep sacred the trust placed in you by your people. You must feel that that trust placed in you by your people is something to be held sacred in order that all of your people will say, "We have made no mistake. We made a wise choice. The man we placed on the council is working diligently for our benefit. He never lets an opportunity pass by where we are concerned, and we are proud of him." That is what I want to see here. That is what I want our people to say about their council members from every area of the Navaho Reservation as well as from Canoncito, Alamo, or Ramah outside the reservation where groups of our people have representation. There is not one iota of difference between the status of their representatives here and that of councilmen from other parts of the reservation. I would be proud to have our people say, "We have made a wise choice." You must keep that trust sacred. That is why I say we must behave as an efficient governing body of our Navaho Tribe. We want our Navaho people to be proud of our councilmen. We do not want to be ashamed of any of them, or of any mistake they make when they are in an official duty status. You have heard me say that there are occasions when the people have good cause for criticism, and I have tried to remind you of it. This is not something for which you were elected to this important office on the tribal council. We must make our people realize that, in us, they have made a wise choice, and that we will be diligent in carrying out the trust they have given to us. [Applause.]

After you have accomplished any task and brought it to a successful conclusion, there is naturally cause for rejoicing. It is an occasion for celebration. If you have accomplished some such thing, you have that right to rejoice. I have often had reference to one evil to which Indians generally, not only Navahos, are not too well fortified and not too well protected. I have reference to the fact that they frequently overuse liquor. I am not saying that you must not drink, I am saying that, if you must have it, know how to take it so that you will not make a spectacle of yourselves in the public streets and at gatherings. That is all I have to ask of you. Let us be respectful. Let us have no cause for complaint against the council on the part of the Navaho people. That is all I am asking of you in that regard.

My next point is education. I was very pleased when my predecessor, Mr. Ahkeah, mentioned this morning that during his administration education was one of the fields in which a wonderful step forward had been taken. I most assuredly agree with him in that connection and it is my purpose, and I hope it is the purpose of the whole council, to continue in the direction of providing all of our Navaho children with an opportunity for education. We have not done everything that it is possible to do in this connection. Much still remains to be done and we must place that responsibility not with our neighbors or with anyone else, but with ourselves the council. Take upon yourselves the responsibility for seeing that the people you represent are well provided for in terms of education for their children. I have made that plea to you in many meetings over the reservation. The salvation and hope of our Navaho people lies in education. At one time, and I mean nothing disrespectful when I say it, we made our living on livestock and a little corn patch. That was the beginning of our livelihood and it must have been good because we have increased in population to a great degree. When we returned from Fort Sumner there were about 9,000 Navahos. There are now 76,000. You know that the Navahos must have had something quite ade-

quate to permit them to keep on increasing. However, due to our increased population, we have occupied nearly all the space on our reservation. There is no vacant spot and we are still increasing. Where do we go from here? We must be educated in order to be absorbed with the rest of the people in these United States of ours. We have all seen that point clearly already. We have Navahos in Chicago, Los Angeles, San Francisco, Portland, Oreg., and if you please even on the Atlantic coast. They are not yet in great numbers there but they are beginning to accustom themselves, and they are beginning to be accepted by the society in which they move. It has been stated on the council floor that the reason for which relocation is not successful as it might be is because of the lack of education. That should inspire us to go forward. Those of you who have been educated must tell your people the benefits of education. It is the greatest hope that we have for our Navaho people. We do not want to do like our forefathers did when they returned from Fort Sumner, after they had agreed to the education of their children. When they returned to the reservation they said that they were dissatisfied with Fort Sumner. They were dissatisfied with the plan to take the Navahos to some other place, and they agreed to literally anything in order to be permitted to return to the Navaho Reservation. As a result, their leaders agreed to place the children in school to be educated after their resettlement in the Navaho country. However, when they returned, they were reluctant to send their children to school. The Federal Government had to send police out to gather the children for school. I remember myself distinctly. I was of school age at that time. My mother and father used to hide me under sheepskins and blankets when they saw a person coming who represented the schools. I was the only boy in the family. They used to hide me when they saw the school people or the policemen coming for fear that these representatives would say that my parents had a boy of school age and that they had to send him to school. However, one bright day they made a mistake. My parents were not on the lookout, and someone saw me, even though I was hiding behind the hogan. That person said, "That boy must go to school," so away I went to school. But our eyes are now open to the advantages that school has for us, and we have gone ahead with plans for more adequate education. It is the program of Commissioner Emmons and his staff to see that every child of school age is in school by 1956. I was greatly pleased to notice in the press how Congress complimented the Commissioner for the stand that he has taken. All of you councilmen who know of the efforts of the Commissioner of Indian Affairs, know that our people are grateful for what he is doing for us, and let me tell you, my friends, let us go all out to see that our children are placed in some sort of school. We have four types of schools serving the reservation. We have the bordertown schools, we have the off-reservation schools and we have the trailer-type of school. We did not have them before. They are not so good, these trailer schools, but they are better than nothing. If we did not have those things we would be dissatisfied. Now we have them, we do not like them, and they are not the best. Nevertheless, we have something which can be used for the education of our Navaho children. Let us make use of all these things. Our eyes are sufficiently open now that we see the benefit of education. You, the tribal members, and particularly the old members, saw this requirement more clearly 2 years ago than you did in the past and you said, "We will set up a fund so that these high-school graduates of ours will be able to attend schools of higher learning, colleges and universities." And we were reminded at the last meeting of the tribal council that we presently have 127 young men and women of our Navaho Tribe who are in the process of getting that higher education. We have said that we will educate these young Navaho men and women so that they may supersede some of the white people on the reservation. Some of the white people employed on the reservation find their lives lonesome and their work isolated. They come here, but at most many of them stay only a year or two. It is too lonesome. It is too sandy for many of them. That is why we cannot keep them as long as we might like. I have reference not only to the teachers but to those employed in other types of work. However, I would like to make the observation, that among the white employees there are many consecrated individuals who devote their lives to working out the problems of various groups of people, including our own Navaho people, and many of whom have spent many years on our reservation and are still here. If we had more of the latter kind of employees, we would most surely be further ahead than we are at the present time. We appreciate those good people. When they are transferred from one area to another, we make a fuss about it. We say that "There is a man or woman that we like. He comes into our hogan and partakes of our humble meal. We appreciate that. All of us do. We are glad." We have

many of that kind of employee actually. Let us all do our best to see that our Navaho children are educated, however.

I have been accused, and maybe some of you have made this accusation: "You are inviting the States of Arizona, New Mexico, and Utah to come in here and take hold of our Navaho people." However, I would like to contradict that. That is not it. I have seen the advantages of education. Many of our educated people also see that. Why should we keep that for ourselves and not be concerned with other people who do not know the advantages? In fact, the other day, listening to the radio, Governor Simms made a statement regarding the pressure that is being brought by the Federal Government on the various States where there are Indian populations to make it their responsibility to look after the Indians rather than the Federal Government. He said, "We do not have the finances or personnel, but nevertheless the pressure is being brought." They feel it more than we do. Why should we not be prepared for the time when we will naturally have to be members of the States rather than be clannish and live isolated from the rest of the world? That is a reason, and there are other good reasons for which I have said that I will try my best, with the help of the councilmen and the Bureau of Indian Affairs, to secure further education for our Navaho people. [Applause.]

The next point that I have is the problem of health. I have been made more conscious of the need of my people during the last few years than I have ever been before even though I have lived on the reservation most all of my life. When I was brought face to face with the actual conditions of our Navaho children suffering ailments, various ailments, that are easily prevented, I realized that we cannot ignore those things. We cannot close our eyes to them and not say anything about them. With that in mind, and with that understanding, I have taken hold of as much as I could along with my other work to make tape recordings, to make records on how you should take care of your children, audiovisual education, and how we could take care of ourselves with tuberculosis—since, if we had it, it could be cured. I said before that we have increased tremendously in a short period of time. Nevertheless, I also made the statement that children's deaths on the Navaho Reservation were very high compared with other communities. Also, the effect of tuberculosis on our Navaho people is tremendous compared with other communities. Knowing that, I did not close my eyes to it. I did not say "I shall not be concerned so long as I have my own family, and not be concerned with what the others had." I could not do it and you could not do it if you have a feeling for our people and I trust all of you are bighearted enough to feel for your neighbor, for all the people we represent. Let us encourage our people that there is safety in that type of health education. We are going to have a good type of health work beginning here this coming July. It is going to be a little bit different than we have been used to, namely, they will say to us "I'd rather talk to you and give you instruction while you are well. I cannot help you as much when you are down on your back, when you are sick with disease. I may not have the things to give when you are down sick in bed. That may be too late. So, I must teach you how to take care of yourself so that you will not become sick tomorrow." That is the type I am bringing before you in tape recordings, records, etc., and I would like to call on you councilmen of our people to take it to heart. Let us push health education for our people. Even though it is stated that the speed at which we travel in automobiles is the cause of more deaths among human beings than any type of disease, nevertheless, this is very important. I would like you to take to heart for your people. Let us work in cooperation with the department that is concerned with us regarding our health.

I said I was going to be very brief, but I am going to bring out one more point. I want to compliment the previous council, my predecessor, Mr. Ahkeah, for doing what he has done to make possible the addition of a few more policemen to the number the Federal Government was able to provide, but, nevertheless, it was only a small number that was added. We hear cries from various sources that they need police protection, and for law and order to be more concentrated on their job than they are at the present time. You took it upon yourselves as councilmen to insist that you wanted policemen on the force that were educated and that were young. I think we made a somewhat hasty move on that, particularly in picking World War II veterans for the police force. I heard many of you complain they were a little bit too rough. They were used to fighting in the war, not to handling the Navahos the way they should be handled, the way you like to be handled, so there was a conflict and you made efforts to bring our uneducated old policemen back on the force. They were more sensible and better

and not given to striking you with billies or placing handcuffs on you. We will have to do something about that. I will leave that with you, to think about seriously. Let us do something so that our Navaho people will be protected. They would like to have something like that of the white people. My knowledge is limited on that, but I am told there is 1 policeman for every 1,000 people so, to have that ratio we should have 76 police on the force rather than the few we have. Let us give that serious thought.

Briefly, I want to go over this much for the benefit of our Navaho people. I could bring more to your minds, but, as I said before, physically, unfortunately, I am unable to.

Those of you who feel it would be tiresome to wait through the session, are welcome to leave after I finish my talk. You are welcome to stay if you want to, but if you feel it is going to be too tiresome, you are welcome to leave.

I am asking the councilmen to be diligent in your work. Those of you who have been occupying the seat of responsibility longer than others often express yourselves in this language: "I have been away from my home and wife and children for so long I wonder if they could still recognize me when I return home." Work of that type is still coming, so be prepared. The responsibilities of this nature will sometimes mean we will be away from home longer than we want to, but that is in connection with being a public official. [Applause.]

We will, at this time, have a 10-minute recess, to be followed by a report by our superintendent and also the area director to speak to the new council, and also a representative from our commissioner, who we feel will have some words representing that official, and also including our attorney, Mr. Littell.

Senator LANGER. I am told that Assistant Attorney General Mr. Holm is here.

Is Mr. Harless, former Congressman Harless, present? If he comes in I would like to have him come up here and take part in the interrogation, because he knows the problem thoroughly.

TESTIMONY OF HOSKIE CRONEMEYER, CHAIRMAN, LAW AND ORDER COMMITTEE, NAVAHO TRIBAL COUNCIL, ACCOMPANIED BY PAT NELSON, SPECIAL OFFICER, NAVAHO RESERVATION

Mr. CHUMBRIS. Will you state your full name for the record, please?

Mr. CRONEMEYER. Hoskie Cronemeyer.

Mr. CHUMBRIS. And what is your official title?

Mr. CRONEMEYER. Chairman of the law and order committee of the Navaho tribal council—I should say that I am a Navaho tribal council member, and chairman of the law and order committee on the Navaho Reservation.

Mr. CHUMBRIS. What is your address?

Mr. CRONEMEYER. Sanders, Ariz.

Mr. CHUMBRIS. How long have you been a member of the tribal council?

Mr. CRONEMEYER. For 4 years.

Mr. CHUMBRIS. How long have you been chairman of the law and order committee?

Mr. CRONEMEYER. Three years.

Mr. CHUMBRIS. Will you please state in your own words the law and order problem on the Navaho Reservation?

Mr. CRONEMEYER. Mr. Pat Nelson, I want to have you correct me when I am off the road here on this law and order to start with—

Senator LANGER. Mr. Pat Nelson, will you come forward, please, and tell us who you are?

Mr. NELSON. I am Pat Nelson, special officer on the Navaho Reservation.

Senator LANGER. It is a very great pleasure to meet you, sir.

MR. CHUMBRIS. Will you go on, Mr. Cronemeyer.

MR. CRONEMEYER. To start out with, law and order on the Navaho Reservation—we need more policemen for the Navaho Reservation. We only have 38 altogether.

SENATOR LANGER. Over how much territory?

MR. CRONEMEYER. That is quite a large territory.

SENATOR LANGER. How many acres do they have?

MR. CRONEMEYER. I could not tell you; I never surveyed it out.

MR. NELSON. About 16 million, Senator.

MR. CHUMBRIS. Sixteen million acres.

SENATOR LANGER. How many miles does that cover; can you tell us?

MR. NELSON. About 25,000 square miles.

SENATOR LANGER. And you have how many men?

MR. CRONEMEYER. About only 38, which includes tribal and Federal police.

SENATOR LANGER. How many should you have? How many are you short? I know that we found a great shortage in other places.

MR. NELSON. We believe that we should have double the enforcement strength that we presently have.

SENATOR LANGER. Double the number that you now have?

MR. NELSON. Yes, sir.

SENATOR LANGER. You may proceed, Mr. Chumbris.

MR. CHUMBRIS. Go right ahead, Mr. Cronemeyer.

MR. CRONEMEYER. The tribe appropriates some money for the tribal police, and they furnish the police transportation on the Navaho reservations.

Now, we are short on jailhouses on the Navaho reservation. The jails that we use on the reservations have been condemned by the Government about half a dozen times, and these jails are not good at all.

SENATOR LANGER. Well, sir, I can tell you that we have got a worse jail than you have got. [Laughter.]

Senator Kefauver and I went through the jail at Fort Yates, and we found that Mr. Emmons had sent \$50,000 to fix up the jail later on.

Now, do you put men and women in the same jail?

MR. CRONEMEYER. Yes, it is the same jail we use there. When you bring a prisoner in the jail, they can walk right through the window, and you call it a jail, and you bring the prisoner in, and you want him to use the bed that is there; you have very unsanitary stuff that they have in these jailhouses. If the welfare and health department ever came in there and investigated those places, I don't believe that the welfare department or the health department would stand for such things like that.

Now, that means more expenses to the tribe. When a prisoner is brought in, any Navaho violating on a Navaho reservation, when he is brought to court and put in jail, he walks right through, and they have to go through the whole thing all over again, and run around after him and spend more money.

I brought this case up before Government officials, that I wanted to have the Government officials do something about it, and to build jails on the Navaho reservations for the Navaho Indians.

MR. CHUMBRIS. Mr. Cronemeyer, what are the plumbing facilities, and the kitchen facilities?

Mr. CRONEMEYER. Well, I just cannot tell you about that. There is nothing there.

Mr. CHUMBRIS. Explain it, if there is nothing there, we would like to know about it so that it can be corrected.

Mr. CRONEMEYER. Sometimes you only have a water pipe coming out of the wall, and the water will be dripping all the time, and it has to be swept out and carried out by buckets.

Mr. CHUMBRIS. I know that we found in North Dakota young girls might be taken to a jail, who were put in a place so close to where the men were that they could see everything that they were doing. Is that the same situation here?

Mr. CRONEMEYER. Yes.

Mr. CHUMBRIS. Will you please explain it?

Mr. CRONEMEYER. We do not have any jail for the women at all.

Mr. CHUMBRIS. Do you put women in the particular jail?

Mr. CRONEMEYER. Sometimes we put the women in the courtroom, which is the next room from the men's jail, and sometimes they have to turn the women loose until the trial comes up, and they can testify. But it costs us more money by doing such things like that—it costs the tribe more money. We have to be going after them all the time to bring them in when they are needed.

Mr. CHUMBRIS. How many jails do you have on the reservation, and where are they located—I mean, in what sector of the reservation?

Mr. CRONEMEYER. Shiprock, N. Mex.; Crownpoint, N. Mex.; Fort Defiance, Ariz.; and Tuba City, Ariz. Those are the only four we have.

Mr. CHUMBRIS. And all four of them are in the same condition?

Mr. CRONEMEYER. Only that the one at Fort Defiance is a little better than we have on the other reservations. Is that correct, Mr. Nelson?

Mr. NELSON. Yes.

Mr. CHUMBRIS. Besides being in poor condition, are the jails large? In your opinion, are they large enough, or are they too small?

Mr. CRONEMEYER. They are too small.

Mr. CHUMBRIS. Well, would you say that they are 50 percent too small, or 200 percent too small?

Mr. CRONEMEYER. I would say that they are 100 percent too small.

Mr. CHUMBRIS. In other words, it should be at least double?

Mr. CRONEMEYER. It should be at least double, and we don't have enough jails—we do not have any place for juveniles, for young boys and young girls; we have no place for them.

Mr. CHUMBRIS. Where are they put? Do you put them in jail? Where do you put them, if at all?

Mr. CRONEMEYER. No, sometimes we just put them in a room there, in a little old place 12 by 14.

Mr. CHUMBRIS. Do you keep them overnight in those rooms?

Mr. CRONEMEYER. Yes, and we keep the women in there sometimes, too, when the boys are not in there.

Mr. CHUMBRIS. You say it is in the courthouse?

Mr. CRONEMEYER. Yes.

Mr. CHUMBRIS. Do they have beds there?

Mr. CRONEMEYER. Yes, we have a little house sitting off by itself—that is where we kept the women. We have had them in there with a baby, at times.

Senator LANGER. Congressman Harless, we would like to have you come up here and sit with us and help us with the interrogation.

Mr. CHUMBRIS. Senator, this is Mr. Truswell, William J. Truswell, of the Interior Department, field solicitor.

Senator LANGER. Mr. Truswell, we would like to have you come up here and sit with us, too.

Mr. TRUSWELL. The United States attorney, Mr. Hayes, is also here.

Senator LANGER. I understand that the United States attorney, Mr. Hayes, is here also. We would like to have him come up here.

Mr. HAYES. Thank you, sir.

Senator LANGER. Ask any questions you want to, gentlemen. This is entirely informal. We want to settle this thing as good Americans. We want to get money enough to take care of the things that have been lacking in the past. We want to make a showing to the Congress in Washington, D. C., as to what is needed out here.

You may proceed, Mr. Chumbris.

Mr. CHUMBRIS. All right, sir.

Now, what other problems do you have dealing with law and order, other than the jails?

Mr. CRONEMEYER. I think we have to have more transportation for the policemen.

Mr. CHUMBRIS. How many automobiles would you suggest that you need?

Mr. NELSON. Well, with our present enforcement force, we require about 30 vehicles with the present force. With an expanded enforcement division, of course, it would require an expanded number of vehicles.

Mr. CHUMBRIS. How many do you have now?

Mr. NELSON. We have 23.

Mr. CHUMBRIS. And you actually need 30 with the present force you have: is that correct?

Mr. NELSON. Yes, sir.

Mr. CHUMBRIS. So if you had an additional 38, as you suggested earlier, how many more vehicles would you need?

Mr. NELSON. Well, we would have to increase our rolling stock to compare with the increase in personnel. If we got 25 new personnel, it would require 12 vehicles.

Mr. CHUMBRIS. In other words, you use 1 vehicle to every 2 men?

Mr. NELSON. Yes, sir; just about that.

Mr. CHUMBRIS. Will you go ahead, Mr. Cronemeyer?

Mr. CRONEMEYER. We are short on police quarters, where the jails are set up. Right along in the month of November, I investigated the various parts of reservations where the jails were built, the courtrooms and jails for the Navaho violators on the Navaho Reservations, which was taken by an architect from Albuquerque, Mr. Soderstrand, which has been presented to him, and we have not heard what has been set aside or appropriated, if there has been anything set aside in the way of money for it on the Navaho Reservations for these jail facilities.

Mr. CHUMBRIS. Earlier Mr. Jones stated that there was laxity in enforcement of the law, not so much in the enforcement, but in the number of days that may be meted out by the tribal court. Would you like to go into that?

Mr. CRONEMEYER. I believe that Mr. Nelson could tell you more about that.

Mr. CHUMBRIS. Mr. Nelson, will you please go into that?

Mr. NELSON. What was the particular question, sir?

Mr. CHUMBRIS. The question was: After a person is apprehended for violation of the rules and regulations, or the laws, that the punishment that is meted out is insignificant to act as a deterrent to crime, and to misdemeanors.

Mr. NELSON. I believe what Mr. Jones had in mind was that the present regulations governing the conduct of the Navaho people are for misdemeanors, so to speak.

The only type of offense cognizable in the courts of Indian offenses on reservation has to do with misdemeanors, and the highest prescribed punishment, the maximum punishment for any one of those offenses is 6 months. That is the greatest punishment for any 1 of the 27 or 28 enumerated regulations that constitute offenses. That graduates down to, I think, a minimum of 5 days in jail.

Mr. CHUMBRIS. Mr. Nelson, we found in our hearings in North Dakota both factors—one, for instance, we found that nonsupport carried a maximum of 3 months, whereas if that same person were tried in a State court he would get a maximum of 5 years for nonsupport. For adultery it was a maximum of 30 days under the tribal laws, whereas he would get 3 years under the laws of the State court. And for unlawful cohabitation, there was a 30-day maximum under the tribal court rules, and 1 year under the State court rules.

I am mentioning these three violations primarily because they lead to delinquency of youth.

Now, a further thing was brought out, not only the great variation of the maximum penalties between the jurisdiction of the tribal courts and the State courts, but after he is apprehended and convicted, assuming that it was a 30-day maximum, he would only get a 1-day sentence, or if he got a 30-day sentence, they didn't have money enough to pay the county sheriff for room and board, and the party would serve 1 day of the 30, and 29 days would be forgiven.

Mr. NELSON. Partially the same code of regulations applies with the Navahos as it would in North Dakota, that is, for courts of Indian offenses.

Mr. CHUMBRIS. In North Dakota we have the court of Indian offenses and also the tribal court. We have two different types of jurisdiction.

Mr. NELSON. Well, the Navaho is a court of Indian offenses, and operates under this code of Federal regulations.

As to sentences, I believe from a recent determination made in a recent survey that the average sentence meted out by the 4 established courts on the reservation for all offenses that are cognizable in the courts—and as I say, this estimate is based on the survey that we conducted—was 40 days in jail or a \$40 fine.

Now, due to the generosity of the Navaho Tribe we are not faced with a shortage presently of funds in order to maintain these prisoners in jail. The biggest problem, of course, is an adequate jail to maintain them in. But the subsistence is not a determining factor as to whether they are turned loose or kept in jail. In most cases, I think without exception, the prisoner fulfills the sentence that is imposed upon him by the court, without regard to whether there are funds available to maintain him while he is in jail. Now, that is the present situation.

I have been with the Navahos since last August, and I cannot speak for the past, but the Navaho Tribe has recognized the need for additional funds to carry out the program, and they have been very generous in appropriating money.

MR. CHUMBRIS. Excuse me, Senator, but Senator Goldwater had suggested that Mr. Marks represent him at these hearings, and I find out now that Mr. Marks is in the audience. Will you please step forward, Mr. Marks?

Senator LANGER. Yes, Mr. Marks, why don't you come up here with us?

MR. MARKS. I will stay right here, it is all right with you.

Senator LANGER. All right. We will be very glad to have you ask any questions you care to at any time.

MR. MARKS. Thank you very much. Maybe at a little later time I might have a statement to make.

Senator LANGER. Yes.

MR. CHUMBRIS. Well, how do you view the overall picture of law and order to the Navaho Reservation, as to its effectiveness or ineffectiveness, and what suggestions or recommendations would you make?

MR. NELSON. I believe, as has been brought out by Mr. Cronmeyer and Mr. Jones, that our first step, of course, is to increase our enforcement personnel to come somewhere near the national average of enforcement officers per capita. Dire need, as Mr. Cronmeyer pointed out, is for the construction of adequate jail and court facilities.

I am afraid I am taking up an awful lot of your time.

Senator LANGER. Oh, take all the time you need. We have all day and all night.

MR. NELSON. Thank you, sir.

Thirdly, I believe there should be an improvement on the system of regulations and laws which are applicable to Indians on the reservations. There are approximately 28 misdemeanors that are cognizable in the courts of Indian offenses as compared to the State laws and misdemeanors, which would fill a volume. I believe that the Federal laws should be broadened to encompass a greater portion of offenses.

Senator LANGER. How would you amend the Federal laws or regulations?

MR. NELSON. I would amend them so that they would cover a greater portion of the offenses than they presently do, where they are limited to the 10 major crimes, insofar as Indian offenses are concerned. There is a wide latitude of factions which exist where the same commission of an act would constitute an offense in non-Indian country.

MR. CHUMBRIS. I might point out, Mr. Nelson, that at our recent hearing in Washington, D. C., on March 11, in which the Secretary of the Interior and all of the top-level officials of the Indian Bureau, including Commissioner Enmons, were present, the same suggestion you are recommending now was thrashed out at the hearing of this subcommittee, and they were instructed to look into that particular matter and ascertain how those laws and rules and regulations could be reevaluated in order to bring out the best possible effect of law and order.

MR. NELSON. Yes, sir.

Mr. CHUMBRIS. Will you please continue with your recommendations?

Mr. NELSON. I think some of these, in broadening the Federal statutes that apply to Indians on reservations, could be handled under the present statutes, or under the present legislation that provides for the hearing of these offenses by United States commissioners. These are petty offenses. It would take a great deal of a burden off of the district courts whose dockets we already know are loaded to overcapacity. Presently I think we are just coming into a period of transition where this inadequacy is being reflected more as against 10 years ago, with the Navaho people's increased intercourse with the Government cultures, increased congregations of Navaho children in schools, and that has necessarily created a problem in law enforcement that did not exist prior to this transition.

I believe that covers what I have to say.

Mr. CHUMBRIS. Mr. Cronmeyer, do you have any recommendations other than the recommendations of Mr. Nelson on this particular point?

Mr. CRONMEYER. Gentlemen, the trouble that we have on the Navaho reservations since liquor has been opened up to the Indians is unbelievable. We have the most trouble in these surrounding towns, which are mostly in New Mexico, such as Gallup and Grants, where the Navahos have been mingling with these people all the time. I would like to have something to say about seeing how New Mexico officials, the government of the State, and the Governor of the State of New Mexico could help out on this enforcement of law.

Mr. CHUMBRIS. Well, the attorney general of New Mexico will arrive at 7 o'clock tonight, and if we have adjourned by that time, then he will be here all day tomorrow to answer particular questions, such as the one you have, so make sure that we bring it out when he is here tomorrow.

The attorney general for the State of New Mexico, Mr. Robinson, will be here for these hearings.

Mr. CRONMEYER. I see. Thank you, sir.

Well, that is about as far as I can tell you about this law and order on the Navaho Reservations, when I mentioned it to you.

Mr. CHUMBRIS. Yes. I think you have some excellent recommendations there, and they are pretty much in line with the recommendations we had from North Dakota, don't you believe so, Senator?

Senator LANGER. Yes, sir.

Mr. CHUMBRIS. Is there anything further you have to add on the law-and-order problem?

Mr. CRONMEYER. What did you say, sir?

Mr. CHUMBRIS. Do you have anything further that you would like to add at this time?

Mr. CRONMEYER. I would like to have this law-and-order code that has been set up by the Government in the past revised so that we could have it more like a better way of a lot of law-and-order codes.

Mr. CHUMBRIS. Do you have any statistics on law-and-order violations, such as arrests, convictions, and so forth, on the reservations?

Mr. CRONMEYER. I did not get you.

Mr. CHUMBRIS. Do you have any statistics to show us?

Senator LANGER. Figures; do you have any figures?

Mr. CHUMBRIS. Yes; do you have any figures?

Mr. CRONEMEYER. Do you know that, Mr. Nelson?

Mr. NELSON. Yes.

Mr. CHUMBRIS. If you would like to submit this particular report, which is a report entitled, "Report on Juvenile Delinquency, Navaho Agency, Window Rock, Ariz., April 28, 1955"—if you would like to have that submitted as an exhibit for these hearings, we would be glad to do so.

Mr. CRONEMEYER. Yes; I would like you to have that.

Senator LANGER. Just a moment. I would like to have Mr. Nelson take that exhibit and give us some of the details in it.

Mr. NELSON. As to the statistics?

Mr. CHUMBRIS. Yes. We would like to have the people in the audience hear these figures. That is why we would like to have you read them, so that they will be a part of the record, and the people will know what those figures show.

Mr. NELSON. Table I of this exhibit points up the physical facilities available to the branch of law and order of the Navahos—

Senator LANGER. Will you speak a little louder, please, so we can all hear you?

Mr. NELSON. I say, table I points up the physical facilities available to the branch of law and order at the Navaho Agency. It reflects a total of 15 federally paid law-enforcement personnel, a total of 29 tribally paid law-enforcement personnel, that is full time, and a total of 12 part-time tribally paid deputies that are stationed at strategic points throughout the reservations, giving us a total personnel of 56 in the enforcement end of the law and enforcement branch.

There are clerk-stenographers that assist the branch in handling papers and documents incidental to the functioning of the group.

There are 2 cooks employed at law and order headquarters at Fort Defiance that bear meals to the prisoners, and 1 jailer.

Senator LANGER. What about the salaries of these people? Are their salaries sufficient, or are they too small?

Mr. NELSON. They are too small, sir.

Senator LANGER. How much, in your opinion, should these salaries be increased; what percentage?

Mr. NELSON. I believe that in order to attract the type of personnel necessary to carry on a successful and efficient program, that in most instances the salary should be doubled. It is not conducive to attracting personnel with the know-how, as it is only \$2,900 a year, which is the average salary.

Senator LANGER. \$2,900 is the salary they are getting now?

Mr. NELSON. And that is the starting salary of a patrolman on a reservation, and the tribally paid police receive a little more. They start in at \$3,034 annually, with provision for a \$100 annual increase after they have completed 1 year of service.

There are seven judges on a reservation that are, of course, maintained by tribal funds.

Senator LANGER. These judges, are they Indian judges, Mr. Nelson?

Mr. NELSON. Yes, sir. All of the personnel are Indians, the police officers, other than myself, are all Navaho personnel.

Senator LANGER. They serve full time or do they just get paid during the time they serve?

Mr. NELSON. The judges serve full time, and are paid at the rate of \$3,800 annually.

Senator LANGER. How are they selected?

Mr. NELSON. By an election every 4 years. They just completed an election of tribal officers recently on a Navaho Reservation.

Senator LANGER. They are selected for a 4-year term, are they?

Mr. NELSON. Yes, sir. The election is confirmed, or an appointment is then made by the Secretary of Interior.

As was pointed out before, this chart reflects that there are four courts and jails presently in all of them, and that is totally inadequate to meet the needs.

The jail at Fort Defiance has a total capacity of 46 inmates, 40 males and 6 females.

Mr. Cronmeyer pointed out that our facilities for the detention of women constitute a frame barracks building set apart from the main jail.

Shiprock has an old warehouse, a building that was used for a warehouse and has been converted, such as it could be, for a jail, and that has a capacity of 12 males, and no females.

Crownpoint has a capacity of 12 males, with no provision for females—I beg your pardon—Crownpoint has a capacity for 8 males and 4 females.

The others, other than Fort Defiance, the chart reflects, the prisoners are fed on a contractual basis—Crownpoint, Shiprock, and Tuba City, they are transported to local restaurants where we feed them on a per diem meal basis; and we have 23 automobiles throughout the reservation. That about covers it.

Senator LANGER. What is the record of your arrests and convictions, and for what crimes?

Mr. NELSON. Covering the period from July 1, 1953, through March 1955—I do not have the breakdown, Senator, of the type of offenses—but the total criminal cases, covering the 4 courts, amounted to 7,421 cases.

Now that is for a period of 25 months. There was a total number of 697 civil cases heard in these 4 courts. The total fines collected amounted to \$100,614.30, over this 2-year period in the 4 courts. That is the only breakdown that I have been able to acquire.

Senator LANGER. Can't you give the subcommittee a record as to how many arrests were made for adultery, drunken driving, and all that sort of thing?

Mr. NELSON. I am sorry, but I am not able to do that, sir.

Senator LANGER. You have not got that?

Mr. NELSON. No.

Mr. CHUMBRIS. Could you get it and mail it in to the subcommittee?

Mr. NELSON. Well, it would be a monumental task, but we will certainly try to do it.

Mr. CHUMBRIS. How many of those arrests deal with juveniles?

Mr. NELSON. Over this same period there were 73 juvenile cases before the 4 established courts on the reservation.

Mr. CHUMBRIS. What types of cases were those?

Mr. NELSON. Minor behavior problems. I think the majority of them stemmed directly or indirectly from childhood use of intoxicants.

Mr. CHUMBRIS. What is the usual procedure when a juvenile commits a violation of one of the rules and regulations under the tribal

system; are they apprehended, or are they remanded to the custody of their parents, with a reprimand? What is the usual procedure?

MR. NELSON. The usual procedure at the time of the offense is that they are remanded to the custody of the parents, and the parents are notified to appear in court with the child, where an informal hearing is held in the judge's chambers to dispose of the case. Very few records are maintained on this type of case.

MR. CHUMBRIS. Does that happen with every juvenile that commits one of these offenses? You say you have had 73 cases. Is that the total number in 25 months; is that the total number of juveniles that have violated the rules and regulations?

MR. NELSON. Those are the ones that have come to the attention of the authorities and have been processed by the courts.

MR. CHUMBRIS. Well, in comparison to the 7,421 of your total, that is an infinitesimal amount, isn't it?

MR. NELSON. Yes. And of those 73 cases, there was no violent crime, that constituted juvenile delinquencies.

MR. CHUMBRIS. This is for the entire Navaho Reservation; is that correct?

MR. NELSON. Yes, sir.

MR. CHUMBRIS. Well, it sounds like a good record, then, doesn't it?

MR. NELSON. We think it is.

MR. CHUMBRIS. Well, we certainly want to hear of the good records as well as of the violations. We want to find out the good points, the work that you are doing to develop good solid young boys and girls that will be community leaders at a later date.

MR. NELSON. Well, I think that that record, perhaps, is attributable to the fact that the majority of the children live pretty much in the traditional way of life, away from community centers and, as was pointed out by prior witnesses here, they have not had the opportunity until recently of school facilities, most of them. Generally, there has not been a congregation of children that brings about some of your delinquency problems, necessarily.

So they are subject to the family life, the old way of the Navahos, where the children have a great deal of respect for their parents' wishes, right on down the line.

SENATOR LANGER. Yes, sir.

MR. JONES, did you have anything further?

MR. JONES. Yes.

First I would like to make a little explanation. I am of the opinion that the Navahos, in general, are not conscious of their rights in connection with law and order. There are many crimes that are overlooked, out of the feeling that they are one of the tribe and, as such, should not be punished. I think there is a lack of instruction on their part to make a complaint against some of the others. And that is particularly true when it comes to violations of the younger people. Those are not fully brought to the knowledge of the law-enforcement body, as I know it.

There seems to be a few, but there are many that are unreported. How can we get that across, so that those things can be taken care of is my question? Should we continually ignore that, and find out that the Navahos have been wrong, and later on we will be looked upon, that on account of that we have this boy as an illegitimate child, or something along that order? There are any amount of them that are

unreported, and I believe that is the reason we do not have, and it looks like there is no crime of that nature on our reservation. But there are many that are unreported.

Senator LANGER. We must have someone here who can testify as to the amount the mother gets.

Mr. JONES. We will have that later on.

Senator LANGER. Do you have a witness on that?

Mr. CHUMBRIS. Yes; we will have the director of the State department of welfare, who will be here, and he will have all of the charts on all types of welfare that are provided for by the State. We will also have from the area directors the amount of welfare provided under their jurisdiction. So we will have all of those figures during the course of these 2 days here.

Mr. JONES. That is all I have.

Senator LANGER. Well, I think we will have the answers for you before this committee concludes.

Mr. JONES. Thank you.

Senator LANGER. Go ahead, Mr. Nelson.

Mr. DALY. I would like to say something here, if I may.

Mr. CHUMBRIS. What is your name?

Mr. DALY. James Daly, of Yuma, Ariz.

Mr. CHUMBRIS. Go right ahead.

Mr. DALY. Well, I hear you gentlemen talking about hiring more policemen, and building bigger and better jails, and I hear them talking about law and order, and so forth.

Now, you know as well as I do——

Mr. CHUMBRIS. The Senator would like to have you come forward, Mr. Daly.

Mr. DALY. Very well.

I said that I have heard you gentlemen speaking about hiring more policemen, and building bigger and better jails, and changing some of the laws, and so forth.

Now, you know as well as I do that you cannot legislate good behavior. I would like to know what these people are doing in the field of crime prevention, if they have so few juveniles getting into trouble, what happens between the group in that age and the older group, where they go up into the thousands? I would like to know what they are doing about that.

Senator LANGER. What do you say about that, Mr. Nelson?

Mr. NELSON. I think that although the total figures of adults are reflected in the thousands, that it covers a period of 25 months, and a population of approximately 80,000 people, and I don't believe that the comparison is high with our State police courts or justice of the peace courts per population.

Mr. DALY. Of course, I am not criticizing the amount, but I was wondering what the group was doing in the field of prevention, outside of the field of punishment.

Mr. CHUMBRIS. Mr. Daly, I understand from some of the witnesses who have testified during the course of these 2-day hearings, that they will present some of the efforts of the Indian leaders themselves in the Indian communities in bringing about a better organized community, and what they are doing to try to counteract any delinquency they may have on the reservations. I think if you will bear with us

during these 2 days, that you will hear all about that, or if you will be able to be along with us for that length of time.

Mr. DALY. I am afraid that I won't be here for 2 days.

Mr. CHUMBRIS. Well, there are a lot of problems that must be taken up, and they cannot be answered during the first hour, you realize.

Mr. DALY. Yes, sir; certainly. But I am interested because we have a reservation in our town, and we have to live with those people. I thank you.

Senator LANGER. Are you a member of the legislature?

Mr. DALY. No, no; I am the probation officer for Yuma County.

Senator LANGER. I believe you are here on Senate bill 959, are you not?

Mr. DALY. Yes, but I came here on both. I am interested in both.

Senator LANGER. We would like to have you stay with us. Ask any other questions that may occur to you, Mr. Daly.

Mr. CHUMBRIS, will you go ahead.

Mr. CHUMBRIS. Mr. Nelson.

Mr. NELSON. I believe that Mr. Jones is absolutely right, that there are many things that have transpired in the vast areas that do not come to the attention of the authorities, and especially along the nature of cases that Mr. Jones pointed out, and that is the abuse of young women. They are either settled by the families involved, through chapter meetings—

Mr. CHUMBRIS. But that abuse, Mr. Nelson, is mostly from adults rather than from minors, isn't it?

Mr. NELSON. The perpetrator would normally, I would say, perhaps, be an adult.

Mr. CHUMBRIS. They would not come within the 73 juveniles that you were referring to?

Mr. NELSON. No, sir.

Mr. CHUMBRIS. That presents another problem.

Mr. NELSON. The statistics on the 73 cases are cases heard in the Indian courts.

Mr. CHUMBRIS. As to the unreported cases of juveniles, are they of a serious nature, or are they just minor infractions of the regulations?

Mr. NELSON. You mean, that would define them as delinquents. I know of no crime in my time with the Navahos that reflects that a child became a delinquent because of some crime of a serious nature.

Mr. CHUMBRIS. Of these 73 you noted, were they serious?

Mr. NELSON. Yes, they are serious. It is a sad commentary to note that there was liquor involved, but in most cases it was furnished by an adult person, and the adult responsible was traced, and prosecution was had.

Mr. CHUMBRIS. But as to armed robbery or assault with a dangerous weapon, what about that?

Mr. NELSON. That is not prevalent on the Navaho reservations.

Mr. CHUMBRIS. Or something like the 4 boys in Brooklyn who murdered 3 people? Is there anything like that?

Mr. NELSON. To my knowledge, I have never heard of anything like that.

Mr. CHUMBRIS. That is what we would like to get into the record.

Mr. NELSON. They are just minor offenses that bring them before the courts.

Mr. CHUMBRIS. Reverend, did you want to ask a question?

Reverend CRUMB. Yes, I would like to ask several questions.

Mr. CHUMBRIS. Will you give your name and address and your official capacity, please, for the record?

Reverend CRUMB. I am the Reverend Frederick C. Crumb, coordinating chaplain for Maricopa County institutions, and my address is 3022 North 26th Drive, Phoenix, Ariz.

I have worked with juveniles, full and part time, for over 20 years, and I have some questions that I would like to get answers to, and one is from the law-enforcement division here.

Mr. CHUMBRIS. Go right ahead.

Reverend CRUMB. We had mention made to us previously of the thousands of youngsters of the Navaho children who are not on the reservations for 9 months out of the year. Do you have any statistics available as to how many of these youngsters get into trouble in the 9 months that they are off the reservation? These 73 offenses, which I presume are offenses occurred during the 3 months that these youngsters were back on the reservations.

Statistics prove that most of the juvenile delinquency is in those of the age from 12 to 16; it is in that age that the youngster is away from the reservation for 9 months out of each year, and I think we ought to have some statistics brought in from the sources where they are living during those 9 months. Are those records added to the records of the other children off the reservation at the schools in that particular area where they are, rather than going back into the records of juvenile delinquencies in the tribes?

If that is so, I think we ought to start adding some of them back against the records of the tribal group.

Mr. CHUMBRIS. Mr. Nelson, will you preface the answer to that question with how many of these youngsters leave the reservations and go to school, away from the reservations, so that we will know just what percentage leave and what percentage remains on the reservations, if you have those figures.

Mr. NELSON. As a corrective measure in, I believe 40 of the 73 cases, due to the lack of court, to have any place, such as an industrial school, available for them for commitment of a child, that cannot be estimated very easily. So where there are no facilities to keep them, they are sent back to their own home.

Now, there should be some place where they can be sent, where they can remove them from the environment that has brought about the delinquency. Forty of these 73 cases were resolved by sending these children to various off-reservation boarding schools.

Now, of those 40 cases, there have only been 2 or 3 cases where it was at least reported back to the court, the law-and-order officials on the reservation, that there was further difficulty with the child at the school.

Now, as to the children's behavior when they are away from the reservation, it is my understanding that they are amenable to the laws and systems of handling juveniles at the places where they live, in the county and State they are living in, where they are attending school. There has been no testimony as of this date, or correspondence, relating to our records with the records of the county and State officials, where these children are resident school children. We have

no way of knowing, other than perhaps calling on the superintendents of these boarding schools where the children are, to find out what the score is as to their behavior at the boarding schools. That is out of our hands.

Mr. CHUMBRIS. Have you heard of any serious things; do you know of anything of a serious nature that might have come to your attention? I suppose, if they had been of a serious nature, they would have come to your attention, would they not?

Mr. NELSON. I only know of one of these, and that was a boy down here at the Phoenix school, where they had behavior trouble with him, and because he was sent there by the court he was returned to the reservation.

Mr. CHUMBRIS. What is your second question, Reverend Crumb?

Reverend CRUMB. The second question is: In thinking and listening so far, the idea would be this, if the added benefits that are ask for by Chief Jones for education and other facilities on the reservations were met by the Government, would the tribal council in turn change its laws in such a manner as to give more serious penalties to the offenders on the reservation, in order to cope with or to compare with what we have off the reservation? In other words, if equal rights are given educationalwise and every other way, wouldn't it be reasonable to ask the council to increase the penalties on these crimes, in order to make them somewhat more equal to what they are off the reservation?

Mr. CHUMBRIS. In answering Reverend Crumb's question, would you please explain that there are two types of courts under which the Indians function, one under the Reorganization Act, and one under the jurisdiction of the Bureau of Indian Affairs through the Department of the Interior, so they will understand the answer to the question.

Mr. NELSON. Yes, sir.

The courts, by nomenclature, are tribal courts, which are organized in accordance with the bylaws and constitution of an Indian tribe that has organized under the Wheeler-Howard Act.

Mr. CHUMBRIS. Are the Navahos under that one?

Mr. NELSON. The Navaho is not. The Navaho courts are operated under title XXV, Code of Federal Regulations, which are regulations that were promulgated by the Secretary of the Interior. There is a latitude for the council, the governing body which, in the Navaho Reservation, is a general council, and it is subsidiary to the advisory committee, to amend the Secretary's regulations by approved resolutions or ordinances that are drafted and passed on in the councils.

Once they are approved and endorsed by the Secretary, they become part of the code, and they become as binding as the original set of regulations.

Mr. CHUMBRIS. In answer to that question, then, under the Navahos, the regulations are merely suggested by the council, but the final say is in the Secretary of the Interior?

Mr. NELSON. The final approval, in order to make them binding, requires the approval of the Secretary of Interior. I know of no instance where he has rejected a proposed ordinance by the tribes.

Reverend CRUMB. I have no further questions, Senator.

Mr. JONES. Mr. Chairman, may I comment on that last statement there, a moment?

Mr. CHUMBRIS. Yes, Mr. Jones.

Mr. JONES. Also, the gentleman's question here, Would the tribal council find it proper to change the regulations from the way we have them now to something that other people have?

That has been seriously considered by the council, and we have an attorney who is now engaged in accumulating documents for that purpose.

We, I believe to a certain extent, have outlived the present code, as this was made some years ago. We have a gentleman in the audience, Mr. Tom Dodge, who worked on our code many years ago, and as he was among us at that time, he was delegated to work that code up to fit the needs of the tribe at that time, which was quite a number of years ago, and I think that we have outlived that to the extent that it needs to be reworked to fit in with the needs of the present time.

There is a constant change from the old life to that of the new life, and we have progressed to a great extent, and the tribal council is giving it serious consideration at the present time.

Mr. CHUMBRIS. Do you have any violations, such as automobile thefts?

Mr. NELSON. Yes, occasionally; but it is not an acute problem.

Mr. CHUMBRIS. Could you give us a few details on the manner of operation?

Senator LANGER. You see, we have had the testimony of J. Edgar Hoover, who tells us that the people stealing these cars, 52 percent of them are now stolen by boys or girls between the ages of 17 and 22. What is your comment on that?

Mr. NELSON. I know of no case that involved—I think that Mr. Hoover is perhaps talking about the Dyer Act, interstate transportation of stolen cars, and we are in a fine geographical location to have a lot of that. The principal shopping centers are Gallup, N. Mex., which would require a crossing of the State line between the principal part of the reservation and the principal shopping center. We have had some cases, but none of them involving juveniles, such as taking an automobile from Gallup, driving to the reservation, and abandoning the cars.

Some of those cases have occurred, but they are not out of proportion, I do not believe, to other communities. In fact, I think that our percentage is very, very low.

Mr. CHUMBRIS. Do you mean that your percentage is very low, so far as the juvenile group are concerned?

Mr. NELSON. I know of none which were committed by juveniles.

Mr. CHUMBRIS. Your cases were all those of adults?

Mr. NELSON. Yes, sir.

Mr. CHUMBRIS. Under the statement of J. Edgar Hoover, the greatest percentage of violations of the Dyer Act were committed by persons 22 years of age and under, so therefore you have none; that would show that that is one type of offense that the Indian youths are not involved in whatsoever.

Mr. NELSON. In other words, that is one that he has not caught up with yet.

Mr. HAYES. I think it might be pertinent to know how many automobiles we have on the Navaho Reservation. My impression is that there are not many automobiles, so you would not consider that much of a problem except near Gallup and those other places where there is a different type of population. I do not think there could be too

many violations up there because you do not have too many automobiles.

MR. CHUMBRIS. I think Mr. Nelson was bringing out the fact that there are a lot of automobiles in Gallup, and that none of the boys bring them into Arizona; is that not correct, Mr. Nelson?

MR. NELSON. Yes.

However, I cannot agree with what Mr. Hayes has said, because practically every Navaho family has an automobile today, but it is something new that has come about in the last few years.

You know, they are sheep people, most of them, by occupation, and they have trucks, pickup trucks— $\frac{3}{4}$ -ton trucks, that is the standard vehicle for the Navahos, and I think practically every family has some type of automotive equipment.

MR. CHUMBRIS. I have just one other question, then, and that has to do with runaway children. That has been quite a problem within the purview of our investigation. Have there been many runaway children of the Indian population on your reservations, from the reservation?

MR. NELSON. There is no problem of any size. We have had children who have been homesick at the school and run away and come back home, but so far as leaving their home and their families, that is pretty stable today. At least, they are not reported to the authorities, if there are any.

Senator LANGER. District Attorney Keating over in Denver testified that they have a great problem over there with runaway fathers. A fellow will desert his wife and children and go into another State, like California, and they are unable to bring them back. What would be your idea as to whether or not that should be made a Federal crime?

MR. NELSON. I have always thought so, sir, especially from my experience with the Indians, where the absence of family heads was very prevalent prior to the application of Public Law 280. The courts of Indian offenses and tribal courts are without extraditorial powers to bring an Indian back into the jurisdiction of the reservation, when he has committed an offense which is cognizable in those courts.

Of course, the absence and nonsupport—the nonsupport of dependents, where it concerns Indians, and Indians alone, they can only be handled presently by their type of Indian courts, the Court of Indian Offenses of Tribal Court. The jurisdiction of that court stops at the reservation line. We cannot have service from that court off the reservation.

Now, I don't believe that we can give you any figures, Senator, on the number of cases presently where there are abandoned families, where the family head is off the reservation. I have not been in the Southwest long enough to become familiar with that end of it.

As I say, in Wisconsin it was a very prevalent problem, and I think largely that brought about the consent of the Indians to Public Law 280.

Senator LANGER. When you talk about Wisconsin, are you talking about the Menominees over there?

MR. NELSON. Yes, sir.

MR. HARLESS. Senator, if you are going to pass an abandonment law, you would not limit it to the Indians, would you?

Senator LANGER. No.

As a matter of fact, in Denver, out of all of the cases that the district attorney had, there was not a single case of an Indian, not one. I would like to have his idea as to what he thought about it.

Mr. NELSON. I think some sort of extrajudicial power should be extended to the tribal courts; if they are to be responsible for their people, they should be able to bring them back to the reservation.

Senator LANGER. Have you run up against this problem, where an Indian leaves the reservation, and gets a job, and then becomes ill, and he goes to a hospital? Now, that Indian on the reservation, the Government pays for his hospital care, but when he gets off the reservation the Government does not? Isn't that true?

Mr. NELSON. I believe that Mr. Carmody is more familiar with that than I am.

Mr. CARMODY. That is correct.

Senator LANGER. How would you remedy that situation? Shouldn't the Government pay for the care of the Indian, even though he is off the reservation? He is a ward of the Government. Why shouldn't the Government take care of him?

Mr. NELSON. I have not formed an opinion on that. That has not been my problem.

Mr. CARMODY. Well, if I am a resident of Phoenix, and I contribute to the general welfare of the community, and so on, but if I go over to Ajo or Tucson, and something happens to me, and I am not able to pay my bill, somebody takes care of it.

Now, the Indian off of the reservation is making his livelihood and contributing to the general well-being of the community, the same as other people having jobs and living in the community. He pays all of his taxes, and so on, and it seems to me that he should have the same status as any other person living in the community. The Federal Government should not be responsible for his individual responsibilities.

Senator LANGER. You see, the trouble with that argument, Mr. Carmody, is that we are trying to get these Indians to go out and take jobs, and they are used to getting free hospital care at home. But when they leave home, and go to some other place off the reservation, why, they are under the impression that if they become ill they are going to be taken care of. If they are not taken care of, the result is that they won't leave the reservation. We are trying to get these Indians to go to other places and get jobs, and that is a deterrent to an Indian leaving the reservation.

Mr. CHUMBRIS. That was fully brought out when we were considering the relocation problem.

Senator LANGER. Take the case of Garrison Dam, when that was being held, it took hundreds of thousands of acres of land, and they took them off the reservation and relocated them, and the result was that the Indians lost their right to free hospital care. The result is that they want to stay on their reservation.

Now, if he is a ward of the Government, why shouldn't the Government have some interest in seeing to it that he is protected?

Mr. CHUMBRIS. I think that Mr. Head could answer that question, because I asked him about it yesterday.

Mr. HEAD. I would be glad to answer this question.

I don't think that an Indian necessarily loses that when he leaves his reservation, Senator. Title XXV provides that the Superintendent should decide whether he has lost it or not, or whether he is still

eligible. I have forgotten the section under title XXV, but the Superintendent can decide that he is eligible for hospitalization.

Senator LANGER. But the Government will not pay it, you understand. We discovered out there, the attorney general in North Dakota held that they were not responsible, the State was not responsible, and the Federal Government said that they are not responsible.

Mr. HEAD. We are paying for them.

Senator LANGER. I see.

Mr. CHUMBRIS. That is an administrative act of your jurisdiction; is that correct?

Mr. HEAD. Yes. Your title XXV gives authority to the Superintendent to make the decision as to whether they are eligible or not. The only place where that gets confused is for eastern Oklahoma, where you are eligible, say, only if you are a half-degree Indian or more.

Out in this country your regulation, as I recall it, provides that an Indian shall be eligible if he is indigent. The only person who is really not eligible is an Indian lady who is married to a non-Indian, and then he is responsible to pay for it.

Mr. CHUMBRIS. Mr. Head, Senator Langer received a letter signed by 10 Indian families who lived in North Dakota and recently moved to Albuquerque, N. Mex., raising the point that they were not permitted free hospitalization at the County Indian Hospital in Albuquerque.

Mr. HEAD. I think your question can be answered by a contract that we have with the County Indian Hospital, which provides that there shall be so many patients admitted, and at the time they go up there, you are filled to capacity.

Mr. CHINO. May I say something?

Mr. CHUMBRIS. Will you give us your name, please?

Mr. CHINO. I am Wendell Chino, president of the Tribal Council of the Mescalero Apaches.

In view of the proposed transfer of the health services to the Public Health Service, the statement that was made by Mr. Head as to those provisions will no longer hold, will it?

Mr. HEAD. I think it will hold; yes, sir.

Mr. CHINO. Thank you.

Senator LANGER. Now, as to those 10 families that wrote me, are they going to get aid from the Government?

Mr. HEAD. Well, I would like to know the situation surrounding these 10 families individually, Senator, before I answer that. But my guess is that they are eligible for hospitalization, if they are enrolled Indians.

Mr. CHUMBRIS. Well, you will probably hear about it, Mr. Head, because the letter was transmitted to Commissioner Emmons, and he has transmitted it to the Albuquerque agency, and if it has not yet come to your attention, it probably will, very shortly.

Mr. HEAD. O. K.; fine.

Mr. HAVERLAND. May I make a statement on that point?

Mr. CHUMBRIS. Yes. Will you tell us who you are, please?

Mr. HAVERLAND. I am Frederick M. Haverland, area director, Phoenix area office, State of Arizona, covering Arizona, Nevada, and Utah. Is that sufficient for the record?

Mr. CHUMBRIS. Yes.

Mr. HAVERLAND. By law, Indians are not entitled to free health services. That is part of the legislation that was passed by the Congress. It is true that there are many Indians in all phases of economic well-being, and for those who are indigent, the Bureau has been providing health services. It is also true that the health services have been really of not very long duration.

I know within the last 20 years that the incidence of births in hospitals as against those in the homes, has practically reversed itself. What the Bureau is aiming at is an ultimate reaching of the point that Congress has made: That Indians who are able to pay for their hospitalization will do so.

In line with that same reasoning, it has been felt that those Indians who have gone off of the reservation, and made their homes off of the reservation, who have reached a degree of competency, and have reached the point that they have the ability to pay their own way, and are no longer indigent, that they should take care of their own. But in the case of them just going from one reservation to a town, and if they get injured en route, and are planning to come back to the reservation, we do pay for off-reservation medical care.

Senator LANGER. Well, you take the case of a fellow who leaves the reservation, like up at the Turtle Mountain, who went over to work at the Garrison Dam, off the reservation, and leaves his wife and children on the reservation. He is over there and becomes ill. Of course, he is getting a very small salary, as you know, and he pays—or rather, it takes all of the money that he can make working on the dam to keep his wife and children, and if he has a large hospital bill, does the Government take care of it, under your interpretation? Is he or is he not indigent?

Mr. HAVERLAND. Well, if he is indigent, we will take care of it. I think the thing I am trying to get over is that it is a transition period, and we are going through that transition period right now. If all the Indians who were able to pay, if all the Indians on the reservation were paying, those that were able to pay, that is something that we are working on, then this particular problem would not be as great as it is now.

Senator LANGER. Well, the Indian Bureau, I might say, is very anxious, and Mr. Emmons is anxious, to get as many Indians off the reservations and get them jobs in other places that they possibly can, and to have him take his family with him, and have him go to school.

Mr. HAVERLAND. That is true.

They are also considering the possibility of some time of health insurance to overcome the problem.

Senator LANGER. Mr. Emmons has been very helpful to us.

Mr. CHUMBRIS. Senator, I have a chart here that was handed to me by Mr. Head, in answer to one of the questions that were propounded a little while ago, and it shows that in 1953-54, there were 708 Indian children enrolled at the Phoenix Indian School, and that there were 10 cases involving violations that were recorded after enrollment.

In 1954-55, the enlistment in school was increased to 935, but the violations after enrollment, or court cases, were dropped to 5, so although there were more children in school, the percentage was cut

50 percent in the number of violations or court cases after enrollment.

Senator LANGER. Thank you.

Mr. PARKER. I am Ruppert Parker, president of the Hualapai Tribal Council.

Does this only apply to the Navaho Reservation, now that we are talking about health and medical services?

Mr. CHUMBRIS. No; this applies to Indians all over the country.

Mr. PARKER. Well, we have a situation in welfare where our funds are either misused or have been misplaced, and we are in a bad situation up there.

In 1951 or 1952, of course, I was not in the council then, but the Bureau kept on slicing our money a little at a time, and our funds up there ran out usually right around April or February, and they would say that the Government was out of funds, and that there would be no medical service paid for the Indians.

That kept on until in 1954, when they elected me as chairman, our superintendent requested that we come with the tribal attorney, and see congressional delegates in Washington, and through the Congress of American Indians we went to them to try to see and get the funds back.

In the first place, after 1940, our hospital was closed and our boarding school was closed, and right now our superintendent up there has no authority whatsoever to try to get funds for us, and we could not work through that agency as it is right now.

While we are here, I think it is best to bring out the fact that right now we have no funds. In February we came down here working on our constitution, and they told me in the area office that there were funds allotted in the amount of \$12,500, for medical services. This includes the Hualapai, who are very isolated. That was in February.

Now, in April, I think it was just the first part of April, when the dentist was there, and he had to rush back, saying that he had a wire from Washington stating that there were no more funds, and he had to go down, and he was in the office the other day, and we are very much upset over it, because in the matter of only a few weeks, while those funds were reallocated, we want to know why those funds were used, or where they went to.

Now, Mr. Haverland said that there are funds available, but up in my reservation it is a very serious situation, and those who are getting welfare, medical welfare, are those that are on welfare. There are some of those on welfare, but they are quite few, but the rest of them have no income of any sort.

I feel that in going through all of these problems the welfare people have spent thousands of dollars trying to voice pleas for medical and educational purposes, and I feel that, and I felt all along, and I requested the council to go on record, or to try to have the Bureau restore our agency back to us. We are not satisfied with the Colorado River Agency. Mr. Stuart, who is superintendent down there, is taking care of us, and he does not know what goes on in the reservation at all. He does not know what goes on in the reservation.

I don't know where all of that money goes to. We are trying to investigate where it goes to. I think the Government has withdrawn from under us already, starting in 1945. They want us to use our own funds for medical and educational purposes, and then when they had this meeting down here sometime ago, the Navahos have \$15

million of their own, but we only have probably \$150,000 of our own money, so how long would that money last if the Hualapais went on record and tried to use it for medical purposes and for relief purposes, and for the paying of its tribal councils and its chairmen, and spending all of that money just to run around here and waste time trying to get funds for our people. Really, it upsets them.

I think that most of us on the reservation are in a position, due to our economic condition, where we cannot even pay for medical services. There have been three deaths up there due to our contract doctor not taking much interest in the people there that go to him.

I can cite one case, he was not from our reservation, but he lived within us for almost 20 years. This woman went to the doctor, and the doctor stated that there were no funds, and that she should go to the county hospital. He said, "You might just as well go to a hotel," and she said, "I have got no money." He said, "Well, here is \$5."

Now, our missionary happened to be there that day, and he picked her up and brought her home, and the next day she died.

I could cite more cases to show that we are not getting the medical services that we should have. Funds are misused and misplaced. They are used for administration purposes, and I think we can prove that they have been used for that purpose.

Now, I think that this committee is here to try to find something that will help all Indians, and especially my people. All I can say is that we do not like to come under the Colorado River jurisdiction.

There is another thing that I want to bring out before I finish, and that is that we don't want to come under that jurisdiction, because when the tribal council passed a lease on uranium, which would have been added to our funds in the sum of \$25,000, we passed that, and it laid down in the Colorado River Agency for 3 weeks, and our lawyer traced it down, and it is still laying down there.

It finally got here, and finally went on its way, but probably to the United Nations. [Laughter.]

I don't know where it goes to. That is the problem we have. I believe if you went to investigate on my reservation, which has never been done, the only time we have seen Government officials there was when a truckload, or two carloads of Government officials came and went into the office. I went through the back door, and my vice chairman went through the front door, and he asked, "Do you want to see the tribal council?"

He was told, "No, we came down to see a burnt area that was seeded."

Now, they spent \$50,000 on that seeded area, and here they are trying to take cattle out of there, what few they have, and that is the only time they came up there.

They say they sent somebody up there from the agency to see me, but I haven't seen anybody from the agency.

Now, I think while we are on the subject of medical services, this should be really thoroughly investigated, as to where that money goes to. They had only May and June, 2 months, and they quit us in February, in fact, they quit us a long time ago in 1951 or 1950, and if this only applies to our reservation and these three so-called reservations, I really feel that there isn't enough money allotted for that purpose.

We take our patients to Parker, and that is almost 200 miles away, and if they don't want that patient down there, they send him to Phoenix, and that is another 150 miles.

Now, the per diem that that ambulance driver gets is \$3, and he has to make a round trip.

They took one patient down to Parker, and they didn't want him there, so they had to take him down here, and they made a big fuss over it.

We have been fighting for our medical allotment since I took over the chairmanship for the last year, and we are still fighting, and one thing I want to say is that we don't want the same personnel that has been working through the Indian Bureau transferred over to the United States Public Health Service. Otherwise we are going to get the same treatment as we have been getting.

I got this from a good source, and I am willing to stand by it. I think we might just as well go back to our old Indian ways, if that is going to be the case. We were satisfied with our Indian ways. We got cured by our Indian doctors.

Then the Government came in there, and they wanted our women to go to the hospitals to have their babies, even though they had done a pretty nice job in the Indian way.

Now they are pulling out from under us without us knowing many of these things.

Thank you.

MR. CHUMBRIS. Your name is Rupert Parker, and you are president of the Hualapai Tribal Council, is that right?

MR. PARKER. Yes, sir.

MR. CHUMBRIS. Do you know the amount of money that is allotted for health services for your particular agency?

MR. PARKER. Well, I think it has been drastically cut in the past. In 1954, when I was down here in February, they showed me figures that they had \$12,500 that were for medical purposes, and \$7,400 for dental work, and \$5,000 for, I think it was some eye treatment, and certain things like that, and then there were salaries of a doctor and nurse. They said that if the fund ran out, they would transfer those salaries to keep us going.

But now they don't have any funds.

MR. CHUMBRIS. Mr. Haverland, would you want to answer Mr. Parker's statement?

MR. HAVERLAND. Yes. I don't really think that there is as much disagreement as is indicated by Mr. Parker. It is true that the health funds for his particular reservation have been exhausted. It is also true that elsewhere in this area, we are having a rather difficult time trying to stay within our budgets, and I think, Senator, you realize how important it is for a bureau official to stay within the amount of money that is allocated.

Senator LANGER. Yes; and I think you will agree with me that the amount allocated has been entirely insufficient.

MR. HAVERLAND. Yes. And I think that the Public Health Service is going to be able to remedy, to a large degree, the problem that is facing Mr. Parker.

Senator LANGER. Provided they get money enough.

MR. HAVERLAND. Yes, sir; and it looks as though they will be able to get much more than the Bureau got, and they will be able to get much better hospitals and medical care.

Mr. MARKS. Senator, I happen to be general counsel for the Hualapai Tribe, and I have been working on this health problem. I had a letter from Senator Goldwater and Senator Hayden—

Senator LANGER. They are doing a good job at helping.

Mr. MARKS. Yes. But I would like to supplement that by making some further remarks, so we have some continuity to the remarks made by President Parker on the health problem.

A large amount—I don't know how much—of the funds, I understand from a reliable source, have gone to pay nurses who have increased from grade 7 to grade 8, and another amount of the funds have gone to pay doctors who are sick. As you know, most of these doctors are pretty aged men in the Indian Service, and a lot of them are off sick. And they are paying them their salaries while they are off sick or transferring them to other agencies.

The Truxton Cañon Agency, which is a subagency under the Colorado River Agency, has been cut almost 50 percent this last year, as it was in their health fund, and they have continually had this problem. It becomes a perplexing problem to a man such as Mr. Parker. In fact, it has driven some of their chairmen to drink. I know that.

I do know that they have a serious problem there that requires looking into.

We are not condemning the area office, because they, I am sure, act under orders from elsewhere, too; but I think that the problem should be investigated.

Senator LANGER. Thank you.

Mr. HAVERLAND. Do you have any further questions of me?

Senator LANGER. I would like to have your comment on it. Take all the time you want.

Mr. HAVERLAND. As to what Mr. Marks has said, I think it is pretty much an idea that some people think that the Federal Government has unlimited funds. I like to think of it more or less to the point that I am a member of a family, and the amount of money that is available to run all of the functions of the Government is limited; and when they look at my request, which includes what Mr. Parker needs, I like to think that they give it good consideration. But I get what they feel that that particular fund needs in relation to the entire program of the Government.

For that reason we sometimes are faced with less money to do a difficult job than we feel we should have. But I can understand, and I am sure you can understand, why we cannot have unlimited funds.

Senator LANGER. Well, on this matter of funds, we have given away \$22 billion to other countries. We have built hospitals in other countries. We have built dams in other countries; and we have built roads over in those places. And here we have got 300,000 or 400,000 Indians; and we are certainly a great big rich government; and certainly a great big rich government like we have ought to be able to take care of 300,000 or 400,000 people when they become ill and in order to help them send their children to school.

We are blaming Congress; we are not blaming the Department of the Interior. Heavens knows that they have asked for and have begged for this money, and yet they have been cut down and cut down, as Mr. Emmons said the other day.

Just to take the instance of general welfare. They cut a request for \$3 million down to \$280,000, and right now they are giving \$3.5

billion to some half dozen foreign countries. It is just insanity, not taking care of our own people here in America.

The fault is in the Congress itself in not giving you people money enough and salaries large enough to exist on. You take these doctors—they are not getting the kind of salaries so that you can get a good doctor. What does the average doctor get?

Mr. HAVERLAND. About \$8,360; that is about where it starts.

Senator LANGER. Well, you can go into any little town and make twice that, as you know. These salaries are entirely insufficient for those doctors, and I don't have any sympathy at all with these people who say that we cannot afford it.

Now, these people here, the Indians, they made the country; they are the pioneers; they came in here, and in 125 years the way we have been treating them—it has been a disgrace; and the Congress of the United States is to blame, and no one else.

You cannot blame an area office, or the Indian Commissioner, who hasn't any money to do anything with. Do you agree with me on that?

Mr. HAVERLAND. It is certain that a lot of the things that we do not do for the Indians are limited by funds. That is one of the problems, this administrative problem that Mr. Parker referred to also; and it is also one of the things that has been a problem with respect to welfare—just as you mentioned.

Senator LANGER. A little while ago we made an appropriation for 1 submarine of \$160 million. That was for 1 submarine—and yet we come along and let 300,000 or 400,000 people struggle along, as Mr. Parker said a minute ago, without adequate medical care. And the purpose of this committee is to go out and see if we cannot bring to the attention of the Senate the neglect that has taken place, so far as the Indian population is concerned.

I am glad to say to you that we have had the help of the Senators from the various Western States, and one of the States that has this Indian problem—in fact, every one of the States that has this Indian problem has given us their support. You have got a bad one down here with this Navaho situation here in Arizona and New Mexico. You have got the worst in the United States, and you are simply not getting money enough to do anything with.

Senator O'Mahoney, of Wyoming, who has been head of the Indian Committee of the United States Senate—I was on that committee with him for a while and we begged and pleaded and begged some more in order to have enough money to take proper care of these people, these sick people, and to get decent high schools and decent elementary schools for these people. All that we met with was that they wanted to cut it down, cut it down, and cut it down to the bone.

We hope by this investigation to bring to the attention of Congress just what is taking place here.

Just take this case of \$2,900 for an annual salary. Why, I take a stenographer in my office down there, right out of high school, and that girl starts at \$4,200 as a stenographer. It is preposterous to think that a man is going to work for \$2,900 a year and support a family, with the cost of living being what it is.

Mr. CHUMBRIS. Senator, we are now going to have some witnesses from the Southern Ute Tribe: Mrs. Sunshine Smith and Mr. Sam Birch. Are they here?

Senator LANGER. Now, just a minute. I am interested to know what the Reverend Crumb has to say. Will you come forward again, please?

Reverend CRUMB. Certainly.

Senator LANGER. How long have you been here?

Reverend CRUMB. Nineteen months.

Senator LANGER. What do you think of the situation? You have been around a lot, haven't you?

Reverend CRUMB. Yes. I think you have a problem there. However, my main concern has been and is with the juvenile delinquency problem, and I realize that that falls in with what Mr. Parker said. And if you don't have adequate health and accident coverage, you are bound to have an increase in juvenile delinquency. All of these things dovetail in, and my personal opinion would be that we are going to have to have our committee get together with the tribal councils on some of these things, probably as a definite followup, in order to get the thinking tied in together.

Senator LANGER. Haven't you found that the area officials are co-operating to the best of their ability with the funds that are available?

Reverend CRUMB. I would say so. Of course, no matter what kind of business you are in, whether it is the governmental business or private enterprise, you will find personality clashes, and you will find some members who are not as qualified as perhaps they were originally thought to be. You will find some mishandling of funds in any kind of an organization, private or otherwise, and I think as a whole we could find that it would be very commendable.

Senator LANGER. But you do find that you have quite a problem?

Reverend CRUMB. We definitely have a problem.

Senator LANGER. Thank you.

Mr. HARLESS. Senator, may I put a word in here as an admirer of yours, and a former Member of the House, I wholeheartedly concur in what you have said, and you are to be commended, and your committee is to be commended in not only bringing to the attention of Congress all of these things, but also in bringing it to the attention of the American people, things having to do with the plight of the Indian people.

Their neglect has been long and very serious, and while we are spending all of this money around the world, we certainly owe a deep responsibility to these people who have been deprived of much of their assets by the invasion, the greatest invasion of this land, when the white man came in and took away his properties.

We certainly owe them a deep responsibility, and we should give them an opportunity to become equal in this new culture.

Senator LANGER. I want to ask you, Congressman Harless, do you know of a single treaty, just one, that was made by the white man and Indians that was ever kept by the white man?

Mr. HARLESS. Not one of them.

Senator LANGER. You were in Congress when we finally established an Indian Claims Committee.

You go along and get a judgment for millions of dollars, and do you know of one of them being paid?

Mr. HARLESS. I think one up in the State of Utah, which was won by Mr. Wilkinson, I believe has been partially paid. But those treaties that were made by these people, when they were confined within a small territory, as compared with the wide-open spaces which

they owned prior to the invasion of the white men, have not been kept. We have not given the Indian people their proper recognition, and as a result they have economic problems, serious economic problems, and the Congress of the United States should be informed, and the American people should be informed so that they will press the Congress to bring about a more equal situation for these people.

I want to take the opportunity to say here that there must be less redtape in the administration of these affairs. There is so much redtape in getting something accomplished for the Indian people, but because of the very rigid regulations—that is due to the very rigid regulations which necessitate going to Washington.

Now, if you could do one thing, in addition to getting more funds, that would be to allocate more authority down to the areas, and the agency office, get it out of Washington. It is too slow; it is too cumbersome.

It creates hardships.

Now, Senator, I put those words in there, because you have just made your remarks about the shortsightedness of Congress. I believe the thing you are doing now in going about the country and holding these hearings is in order to focus the attention of the American people on the Indian problem, and I think that is a very worthwhile thing.

Senator LANGER. You will find that Senator Kefauver and this committee is going into every part of the country where they have this Indian problem, and we are going to get it squared away somehow. Just how, we do not know, but we are certainly going to bring it to the attention of the Congress and on the floor of the Senate. We certainly are getting much help from the two Senators from Arizona. They are both helping us. That is also true of Colorado and New Mexico, and we are going to do the best that we can.

Mr. CHUMBRIS. I would like the record to show that when notice was given that we were going to have the hearing here in Phoenix, Congressman Harless wrote Senator Kefauver and offered his help, and he has been of great help in making arrangements for this particular 2-day hearing, and helping us with some of the witnesses who are appearing, and we are very grateful to the Congressman for his help.

Mr. HARLESS. Thank you very much.

Mr. CHUMBRIS. Mr. Reporter, will you please take these documents and see that they are incorporated into the record?

Senator LANGER. Let that be exhibit No. 4.

(The information referred to was marketd "Exhibit No. 4," and is as follows:)

EXHIBIT NO. 4

NAVAHO AGENCY, WINDOW ROCK, ARIZ.

Attached is a report made by the Navaho Agency for the Senate subcommittee hearing on juvenile delinquency tentatively planned for April 29, 30, 1955, in Phoenix, Ariz.

Several factors have a direct bearing on the programs of the Navaho Agency which are discussed in these reports. A brief review of general information pertaining to the attached information will be made.

GENERAL INFORMATION

The Navaho Agency exercises Federal jurisdiction over the Navaho Indian Reservation. The agency's programs and activities extend over the approximately 25,000 square miles of the Navaho Reservation which is located in the States of Arizona, New Mexico, and Utah. This area is inhabited by an estimated 78,350 people.

From the geographic standpoint, the reservation lands range from desert areas to plateaus and mountains. Certainly this erratic terrain magnifies the problems of program administration because of the barriers imposed on communication and transportation inherent in the distances involved and poor road conditions.

The estimated income for the reservation is on the average \$730 for families who derive their livelihood from agricultural products; \$855 for families whose livelihood depends on wages. By and large a family income is derived from one of the following: Pastoral endeavors, agricultural pursuits, off-reservation seasonal agricultural work, or railroad employment.

From the standpoint of education, an authority who has conducted extensive research on the Navaho Reservation states that 88 percent of the male Navahos 18 to 38 are illiterate.¹ It is believed that this number would be decreased considerably for the younger group 6 to 18 and the older group 38 and above, increased at least 5 percent.

The foregoing "general information" should be kept in mind as the following section dealing with Navaho Agency programs is reviewed. In actual practice the programs of these branches are closely coordinated.

The program section's sequence is—

1. Branch of education
2. Branch of health
3. Branch of relocation
4. Branch of welfare
5. Branch of law and order

BRANCH OF EDUCATION

Navaho Agency education program

Children in Bureau schools.—During the 1953-54 school year 81 percent of all children enrolled in Navaho Agency Bureau schools were in grade 3 or below. Delinquency problems among these lower grade pupils were very small although a fair proportion of Navaho children present problems created by undesirable home conditions. Since a large proportion of the schools are boarding schools, neglected children can be cared for in the absence of suitable boarding-home care.

School attendance.—The big factor in assisting the home with the problems of Navaho children is the school. The school can only help those who are in attendance. The blunt approach of police action in securing attendance in Navaho Bureau schools is so minimized as to be almost lacking. This is because it is not needed and because a different foundation for school attendance among Navahos is believed to be on a sounder basis.

Instead of police action in attendance matters, an educational program of interest and benefit to pupils and one which appeals to the parents has been planned. This is designed to give the Navaho people, in cooperation with other schools, a complete program of elementary, high school, vocational, and college training.

This approach to attendance and needs has been productive. The enrollment of Navahos in all types of schools was 5,916 during the 1942-43 school year. This increased to 14,765 during the 1952-53 school year. The figure is 22,751 as of April 8, 1955.

School census.—To understand the problems of Navaho children and their needs it is necessary to determine how many there are and the age, sex, location, and previous school history of each. This is done by an annual school census with home visitation and results in the way of figures and maps showing the home location of each child. The census of June 30, 1954, showed 27,362 children of school age, plus 714 other children in school who were not of school age. The Bureau regards children as being of school age if they are from 6 to 18 years of age, inclusive.

¹ George I. Sanchez, *The People*, p. 25, The Haskell Press, 1948.

Definite plans are being made for the early enrollment of all Navaho children of school age, not now in school, who are in a position to be educated. The recent great increase in enrollment and the expected early added increase in enrollment make up the great contribution of education to the program of juvenile delinquency, coupled with the program for the children after they are in school.

Program for attendance and education.—Police action is a negligible factor in school attendance among Navahos and in dealing with children in Navaho Agency Bureau schools. It is believed that a sound and intelligent approach to these problems among the Navahos must depend, to a very large extent, on the proven ability of the schools to serve the people, close cooperation between the Navaho people and tribal officers and the Bureau, and the use of the welfare branch in the case of special individual problems.

Individual factors entering into the effectiveness of the program have been local school boards of Indians, parent-teachers associations, radio programs in the Navaho language, information given to the public press, classes held in the Navaho language, the training of interpreters, the publication of a Navaho language periodical, letter to parents from pupils and teachers, school newspapers, report cards, public meetings to discuss school problems with the community, the coordination of education, health, and related activities under a special assistant general superintendent, the employment of Navahos in the great majority of school positions, the training of Navaho teachers in college, athletic and physical education programs, visual aids, educational trips, special Navaho readers, the cooperation of the education branch with Navahos and the Navaho Tribal Council in educational planning and execution, home visitation in recruitment work, census work, and for other purposes, and the policy of making local schools serve as community centers for the Navaho residence of the territory of the school.

Special hazards and problems.—Children in Navaho Agency Bureau schools face certain special problems in adjustment, aside from those shared with children all over the country. The drinking of alcohol is one of these problems and it affects the children, not directly to any extent, but because of excessive drinking by many parents. Marriage ties are not firm in a large number of cases; this is causing much trouble with the children. Many children, as well as Navaho adults, are taken into a white environment in towns with inadequate preparation, and there, because of inadequate preparation and economic stress, are pushed into poor parts of white settlements and into contact with the less desirable elements in the white population.

The education branch has been closely coordinated with related Bureau activities through the efforts of its director and the supervision of the assistant general superintendent in charge of the associated branches. Thus the efforts of the doctor, nurse, social worker, teacher, principal, guidance officer, and others can be brought into play when special problems arise and in the general planning work for preventing and handling juvenile delinquency.

The boarding schools provide an excellent opportunity to provide children with correct interests, attitudes, moral standards, and habit formation which might be missing in day attendance where certain homes are broken, inadequately financed, and parents are moving about because of seasonal employment. These schools also make easy the religious programs of different churches for Navaho children, all operating under definite rules and with parental authorization. The bordertown dormitories, recently instituted, offer an interesting and beginning approach to bringing the gap between reservation life and culture and white civilization and problems. Here the children are housed and fed by the Bureau while attending public schools with white children, payment being made by the Bureau for the attendance. Navaho Agency boarding schools are in general close to the parents of the pupils in school, thus permitting the maintenance of ties with the father and mother.

Number of Navaho children in school.—As of April 8, 1955, the year enrollment of Navaho children for the 1954-55 school year was as follows:

Navaho Agency Bureau schools.....	10, 885
Other Bureau schools.....	6, 606
Mission schools.....	1, 360
Public schools.....	3, 900
Total.....	22, 751

The total not in school, of school age 6 to 18, inclusive, obtained by subtracting the above from the last census figure of school-age children, plus those in school not of school age, or 28,076, would be 5,325. Of these 5,325 children out of school,

many are nearly 19 years of age and many have been in school and have quit or have finished school.

During the 1953-54 school year the year enrollment of pupils in Navaho Agency Bureau schools was 6,961, the average daily attendance was 6,210, and the percentage of attendance based on these figures, was 89.2. The percentage of attendance would be much higher if based on present enrolment during the school year. A statement of Navaho enrollment in Bureau schools, as of April 8, 1955, follows this report.

The future.—This is a period of great change in Navaho life. Continued support for a full school program appears to be the best way of securing the adjustment of Navaho young people to this change.

BRANCH OF HEALTH

The branch of health is carrying out a comprehensive health program on the Navaho Reservation. For purpose of description the program can be divided into several categories although in the actual workings of the program there is a complete interrelationship.

1. *Hospital services.*—Hospitals are operated at Tuba City, Winslow, Fort Defiance, Shiprock, and Crownpoint. The budgeted bed capacity of these hospitals is 346, divided as follows: 226 for general patients, 100 for tuberculosis, 20 for convalescent crippled children. In addition to the regular hospital facilities outpatient clinics are operated at each of the installations.

2. *Off-reservation hospital and medical care.*—Contracts are in effect for the care of approximately 500 tuberculosis patients and 35 psychiatric patients in private and State institutions. This service also furnishes special and emergency care for indigent Indians when necessary. Facilities are also provided for the care of health needs of migrant and seasonal workers when they leave the reservation.

3. *Field medical services.*—A staff of medical officers, public-health nurses, and ancillary help is employed to provide public health and medical care in field clinics, health centers, schools, hogans. Under these services the staff is attempting to promote preventive medical programs with special emphasis on tuberculosis control and immunization programs.

4. *Oral health services.*—Dental officers and assistants are employed to carry out a dental program in field clinics as well as hospitals. Portable dental units are operated by the field dental officers using every facility available such as schools, trading posts, field clinic buildings, and other accessible space. The primary responsibility of the field dental staff has been to provide dental care for children. Adult care has been on an emergency basis in the past. An expanded adult program is planned as the needs of the children are met.

5. *Sanitation services.*—Sanitary engineers, sanitarians and Indian sanitarian aids are employed to provide an environment sanitation program for the Indians on the reservation. In addition to this primary work this section also provides service to Bureau installations and commercial establishments located on the reservation. This section is also able to provide expert advice in problems of safe water supplies, sewage disposal, rodent and insect control and other problems of environmental sanitation.

To carry out this extensive health program the budget for the fiscal year 1955 is \$4,400,000 in round figures.

RELOCATION PROGRAM

Basis of need

On the Navaho Reservation as well as other Indian reservations throughout the country, opportunities for self-support are inadequate. Land resources are insufficient either in quantity or quality, industrial development is negligible, and a considerable portion of the Indian population is faced with the alternatives of leaving the reservations to seek employment, or remaining wholly or partially unemployed.

Purpose

The purpose of the relocation program is to facilitate the voluntary relocation of Indians who are unemployed or who are underemployed, in appropriate year-round employment, to encourage and assist their voluntary movement to industrial areas where such employment can be secured, and to assist in their adjustment in communities to which they go.

Objectives

The objectives are to assist Indians to become self-supporting on a standard of living compatible with decency and health and to become a part of the normal social and economic life of the Nation.

Primary functions

(1) Develops and prosecutes a continuing information program to bring before the resident population, tribal officials, and community leaders factual data regarding reservation economy and population and the opportunities available through relocation for individuals and families, to improve their economic and overall living situation.

(2) Interviews persons interested in relocation for purpose of acquiring information about the individual's personal or family situation, his training, work experience and other employment qualifications, previous off-reservation living experiences, basis of interest in relocation, present resources and obligations, and any personal or family problems which must be considered in connection with the proposed relocation.

(3) After investigation and personal conferences with applicant, determines extent of need for financial assistance in connection with relocation and arranges for grant of funds for this purpose.

(4) Interprets program objectives and methods of operation to tribal councils and Bureau staff members, maintains cooperative relationship with State employment services, Division of Vocational Rehabilitation, Veterans' Administration, and other public agencies, to insure full utilization of their services by Indians seeking employment or other services concerned with employment or equipping for employment.

STATISTICAL INFORMATION, FISCAL YEARS 1953 AND 1954, NAVAHO AGENCY,
BRANCH OF RELOCATION

EXHIBIT 1.—Bureau financial relocatees who have returned to the reservation

Total persons relocated:	
1953.....	89
1954.....	143
Total persons returned:	
1953.....	17
1954.....	31
Retroreturnees to relocations:	
1953.....percent..	19
1954.....do.....	22
Total relocations, 1953-54.....	232
Total returns 1953-54.....	48
Ratio returns to relocations.....percent..	21

EXHIBIT 2.—Complete family units: Bureau financial relocatees who have returned to the reservation

Relocations, 1953:	
Units.....	5
Persons.....	50
Relocations, 1954:	
Units.....	21
Persons.....	92
Total relocations:	
Units.....	26
Persons.....	142
Returnees, 1953:	
Units.....	1
Persons.....	2
Returnees, 1954:	
Units.....	5
Persons.....	22
Ratio, total returnees to total relocations.....percent..	17

EXHIBIT 3.—*Single men: Bureau financial relocatees who have returned to the reservation*

Relocations, 1953.....	25
Relocations, 1954.....	32
Total relocations.....	57
Returnees, 1953.....	7
Returnees, 1954.....	5
Total returnees.....	12
Ratio, total returnees to total relocations.....percent..	21

EXHIBIT 4.—*Single women: Bureau financial relocatees who have returned to the reservation*

Relocations, 1953.....	4
Relocations, 1954.....	6
Total relocations.....	10
Returnees, 1953.....	3
Returnees, 1954.....	1
Total returnees.....	4
Ratio, total returnees to total relocations.....percent..	40

EXHIBIT 5.—*Single men: Bureau financial relocatees who have returned to the reservation*

Relocations, 1953.....	10
Relocations, 1954.....	13
Total relocations.....	23
Returnees, 1953.....	5
Returnees, 1954.....	3
Total returnees.....	8
Ratio, total returnees to total relocations.....percent..	35

Relocation statistics, fiscal year 1955 (July 1–Mar. 31)

1. Persons relocated without financial assistance:	
(a) Unattached women.....	4
(b) Unattached men.....	4
2. Persons relocated with financial assistance:	
(a) Number of persons.....	139
(b) Unattached women.....	1
(c) Unattached men.....	38
(d) Complete family units.....	21
3. Total number of persons returned to reservation.....	15

WELFARE PROGRAM

Basis of need

On the Navaho Reservation there exists a need for general assistance to indigent Navaho Indians who are not eligible for public or general assistance through programs operated by their State and county governments. In some cases, this general assistance may be needed, and provided, for a reasonable time on an emergency basis pending establishment of eligibility for public assistance and receipt of first payment.

Purpose, objectives

Criteria for the determination of need for general assistance provides that such a need is present when income and resources are insufficient to meet the living costs of a family or person on an adequate standard of health and well-being. Through such assistance, persons who are unemployed during the winter months

and who do not receive unemployment benefits are given aid until such time as they can care for their families. The purpose and objective of the welfare branch is seeing that persons needing such help and who are eligible for it, receive it.

It will be mentioned that assistance under the Bureau's program is limited to eligible Indians living on reservations. Also, assistance is given in cash and on a monthly basis.

Primary functions

The branch of welfare has responsibility for—

- (1) Activities related to planning, development, and evaluation of the Navaho agency welfare program.
- (2) The execution of all phases of the approved child-welfare program.
- (3) Making provision for general assistance to eligible indigent Navaho Indians.

State welfare programs

Persons eligible for the State welfare programs, namely, old-age assistance, aid to dependent children, aid to the needy blind, and aid to the totally and permanently disabled make application to the respective welfare departments. The States of New Mexico and Utah receive applications through county welfare offices. In Arizona a special unit visits the reservation on an itinerant plan.

Average assistance grant

The average general assistance grant for April 1955 was \$43.37 per family. The average number of families per month receiving general assistance in 1953 was 325; in 1954 the number was 281; from July through April of the present fiscal year the number averages 282. The reasons for persons receiving assistance in March of the past 3 years are given in table I below.

Table I

	1953		1954		1955	
	House-holds	Persons	House-holds	Persons	House-holds	Persons
Total cases aided.....	325	462	285	404	302	453
Dependent children.....	0	0	14	59	17	81
Physical handicap.....	185	235	243	316	272	341
Mental handicap.....	9	9	0	0	0	0
Old age.....	0	0	27	28	10	12
Emergency.....	55	130	0	0	1	8
Unemployment.....	76	88	1	1	2	11

PROBLEMS—NEEDS

There is need for extended services to children. The service should be available for those children who are orphaned or who have only one parent; children whose parents are unable to manage their own affairs; children whose parents have abandoned them and children who are so neglected that their well-being is impaired or they fall into habits of delinquency; children who are blind, deaf, crippled, feeble-minded, or otherwise physically or mentally handicapped are also in need of special treatment and services. State welfare departments, through their child-welfare-services programs, can give only very limited help, usually due to lack of staff and finances. The Navaho Reservation has only 1 child-welfare worker, but recently received approval of 2 more positions in child welfare. The recent administrative organization of the Navaho Agency provides five sub-agencies. One general worker and one child-welfare worker should be placed in each of these subdivisions to achieve a minimum of service. At the present time there are 5 general social worker positions; however, 2 vacancies exist; 1 will be filled about the middle of May.

The most pressing problem regarding children on the Navaho Agency is with reference to children who should be placed in foster care due to the need of the mother to be hospitalized for a period of time because of tuberculosis. Although problems of antisocial behavior are referred for attention of the Welfare Branch, because the number is small, this is not considered by the welfare staff to be the problem that needs most attention.

EXPENDITURES

During the fiscal year of 1953 a total of \$26,401.95 was spent for foster care. In 1954 the amount was \$34,392.26. In addition \$24,563.82 was spent in 1953 for children in State schools for the blind and deaf. In 1954 the amount spent for these children was \$29,682.78. In March of 1955, 31 children were in schools for the blind and deaf; the cost per child is \$1,000 for the school term. The average number of children in foster care during 9 months of the present fiscal year is 94 at a total cost of \$32,075.87. There are other children in need of foster care, mostly due to ill health of the mother. Lack of staff and suitable foster homes have prevented accepting them sooner. Additional staff should be able to alleviate this problem and insure proper care for children who need temporary placement.

General assistance expenditures for the fiscal year 1953 were \$153,148.79; for 1954 the amount was \$136,212.24 and through April of 1955 the total amount expended is \$120,045.53.

LAW AND ORDER PROGRAM

Basis of need

The need for a law-enforcement agency on the Navaho Reservation, as with any populated region, stems from the large geographic area the reservation includes and the concentration of population found.

Further, the transition status of the Navaho people magnifies the problem. The increased assimilation or integration of the native culture with the dominant culture has tended to deteriorate Navaho culture values. As a natural result, these cultural values are being replaced with the bad, as well as the good things, of the dominant culture.

Purpose, objectives

The purpose of the law and order program is not only to enforce and assist in the enforcement of Federal, State, local, and tribal laws on the Navaho Reservation, but also within the limitations imposed by funds and personnel, to institute positive, preventative measures of a progressive nature.

Primary Functions

The Branch of Law and Order has responsibility for—

1. The enforcement of Federal law within the Navaho Agency's jurisdiction.
2. Assisting the Federal Bureau of Investigation and other Federal, State, and local law-enforcement agencies in the investigation of crimes coming under the jurisdiction of such agencies.
3. Assisting the Navaho Tribal Council in the enforcement of tribal ordinances and regulations.
4. Assisting Navaho tribal courts of Indian offenses.

The following is a general discussion of the Navaho Reservation law-enforcement program with its problems, need and related aspects together with the status of juvenile delinquency discussed.

Personnel employed

The Branch of Law and Order at the Navaho Agency is under the immediate direction of a criminal investigator, grade GS-11 (Branch Chief). The Branch Chief is assisted by an administrative assistant, grade GS-6, a criminal investigator, grade GS-9, a chief policeman, grade GS-4, and nine policemen, grade GS-3, who are federally paid and have civil-service status. In addition there are 29 full-time Indian policemen, paid by the tribe, who receive an annual salary of \$3,134 and 12 part-time deputy Indian policemen who are paid at the rate of \$125 per month from tribal funds appropriated by the tribal governing body. From tribal money there is also employed at the Law and Order headquarters 2 clerk-stenographers, 2 cook-matrons, and a jailer-maintenance man.

Location of enforcement personnel

The above enforcement personnel are stationed at strategic points throughout the Navaho Agency's jurisdiction, including the so-called checkerboard area in northwestern New Mexico. The farthest police outpost to the west located at Tuba City, Ariz., is approximately 300 miles by road from the farthest police outpost to the east located at Torreon, N. Mex.

There is a total of 21 locations in the States of Arizona, New Mexico, and Utah where enforcement personnel are stationed. At four of these locations, jails and courts of Indian offenses are operated. These are Fort Defiance, Ariz., which

serves as headquarters for the Branch of Law and Order: Tuba City, Ariz.; Shiprock, N. Mex., and Crownpoint, N. Mex. In addition there has just recently been established a court at Ramah, N. Mex., although there are no jail facilities there.

Judiciary division

The Judiciary Division of the Branch of Law and Order is entirely financed by moneys appropriated by the tribe.

Personnel consists of 1 chief judge, 6 associate judges and 4 court clerks. These are all full-time salaried officers. Judges receive \$3,800 and court clerks \$2,750 annually.

Table I below reflects the location by police outposts, number and type of personnel stationed at each, and available facility.

Table I

Name of town or community	State	Police		Other			Judiciary		Facilities				Auto-motive, radio-equipped, tribal-owned	
		Federal	Tribal regular police	Tribal part time	Clerks	Cooks	Jailer	Judge	Court clerk	Jail				Kitchen for prisoner feed
										Num-ber	Male	Female		
Fort Defiance	Arizona	8	4		3	2	1	2	1	1	40	6	1	6
Tuba City	do	2	3					1	1	1	12	0	1	3
Shiprock	New Mexico	2	3	1				2	1	1	12		1	3
Crownpoint	do	1	1					1	1	1	8	4	1	1
Newcomb	do		2											1
Aztec	do	1	1											1
Torreon	do		2											1
Navaho Village	do	1	1											1
Fruitland	do			1										1
Aneth	Utah													
Teecuspos	Arizona			1										
Chino	do		2	1										1
Gaudo	do		2	1										1
Indian Wells	do			1										
Gap	do			1										
Kayenta	do			1										
Leupp	do		2	1										1
Copper Mine	do			1										1
Klagetoh	do		2											1
Lukachukai	do		2											1
Pinon	do		2	1										1

1 Contractual.

Vacancies, staffing problems

Of the total established positions in the foregoing table as of this time there exists the following vacancies: 5 Federal policemen, grade GS-3, 1 tribal policeman, regular, and 3 tribal policemen, part time.

The present established annual salary rates make it extremely difficult to recruit personnel with sufficient capacity to absorb training and techniques essential to becoming efficient law-enforcement officers; consequently, there is a substantial turnover in personnel; language barriers preclude having but a minimum of non-Indian personnel.

The application of criminal law in the Indian country, to say the least, is extremely peculiar and varies from one area to another depending upon status of land, treaty stipulations, Federal statutes, etc. Consequently, it requires considerable association, training, study, research, and ability to absorb these peculiarities on the part of law-enforcement personnel.

Enforcement problems

The degree of effectiveness of the Navaho law-enforcement program with its present limited number of enforcement personnel scattered over an area roughly the size of the State of West Virginia, together with, largely, poor roads and communications, is only attributable to the peaceful characteristics of the Navaho people as a whole.

With the increased assimilation with Anglo cultures, brought about through the introduction of the automobile into the Navaho's way of life, off-reservation employment, military service by many of the young men, and the accelerated educational program have necessarily begun to deteriorate their native cultures, being replaced with the bad as well as the good things of Anglo culture.

What sufficed a decade ago in the way of a law-enforcement program on the Navaho, does not suffice today, and the program of today will not fit the situation in another decade. The ultimate answer to the Navaho, as well as any other tribe of Indians' law-and-order problems, is to come under the jurisdiction of the State civil and criminal laws; however, neither the Navaho people nor the State governments are at this time ready to effect transition; not until there has been effected a more favorable balance of literacy through formal elementary education. Remedies for the present and until such time as the States and Navaho people are ready for State jurisdiction, should consist of broadening the Federal statutes to encompass a greater portion of offenses than are now covered, including misdemeanors, which could be for the most part handled by United States commissioners as petty offenses. There should be a complete reappraisal of the areas of vacuum that presently exist in the Indian country, where no laws cover commissions or omissions that would normally be offenses under State laws.

Additional authority needed

If the courts of Indian offenses and tribal courts are to continue to exist, they should be completely overhauled to make them effective; for instance, these courts presently have no power of extradition from outside of the Indian country. This factor alone could contribute largely to juvenile delinquency, in that abandoning family heads who are answerable only to these courts cannot be returned to the reservation and be made to support their dependents; consequently, their families become public charges. Statistics indicate that the majority of delinquencies among children stem from unstable or broken homes.

Need for locally stationed FBI agent

Another factor to be considered is the establishment of a resident Federal Bureau of Investigation agent on the Navaho. If that investigative agency is to have primary investigative jurisdiction over the applicable general laws of the United States, in cases of serious crime, it is essential that the responsible investigative officer be on the scene at the earliest possible time. This cannot be physically accomplished where agents are stationed long distances from the reservation and have large areas to cover beside the reservation. As is the case at Navaho this results in undue delay in some cases in bringing persons accused or suspected of crime cognizable in the Federal district courts before an arraigning magistrate. This is in no sense intended as criticism of the Federal Bureau of Investigation, as that agency is heavily leaned upon by the Indian Bureau for assistance in many ways, and they have always been more than willing and anxious to assist within their power. However, slight policy changes on the part of both agencies because of the Indian country being peculiar to other Federal reservations could, we believe, create a more satisfactory net result in the handling of major crimes.

Status of juvenile delinquency, disposition of cases

Juvenile delinquency is not an acute problem within the Navaho jurisdiction in comparison with metropolitan cities and even small towns throughout the United States, if we are to believe what is printed in our daily newspapers; that is to say, serious crime among Navaho children is practically unheard of. Those cases involving Navaho children that come before the courts of Indian offenses are, almost without exception, from homes of more progressed Navaho people who are living in or near the larger villages on the reservation. These are generally children who have had the benefit of schooling rather than children from the rural areas where the people live pretty much in their traditional way, following their flocks of sheep for a livelihood. The records of the 4 established courts of Indian offenses on the Navaho reflect a total load of 73 juvenile cases over the period from February 1953 through March 1955. Of this number the courts dismissed 20 cases for lack of evidence to substantiate a finding of delinquency; of the balance, 10 children were reestablished in their own homes. Two cases were resolved through the appointment of a responsible person to act as a probation officer and adviser to child.

The balance of 41 children were placed in off-reservation Indian Bureau boarding schools to remove them from the home environment causing the difficulties. Of this number there have been only 2 or 3 cases where the records reflect that there was further difficulty with the child at the boarding school. The foregoing statistics on juvenile cases must be qualified by the fact that there are some juvenile cases of a minor nature, especially involving the age group from 8 to 12. These cases are heard informally by the judges, where no records are kept, for such things as window breakage, truancy, petty squabbles, etc. As previously stated, we do not feel that these statistics constitute a serious problem at this time. However, with expanded educational congregation of the Navaho children, the situation will most certainly follow the national pattern unless immediate safeguards are taken. There are many schools of thought as to what should be done to curb delinquency. We believe that there are persons available in our society well-qualified to treat this subject.

Indeed, if delinquency were rampant at this time on the Navaho, it would be a sorry state of affairs, as the courts of Indian offenses to whom the majority of cases would be amenable are without means to dispose of incorrigible cases under present laws and regulations. There is absolutely no place available to the courts of Indian offenses for commitment of such incorrigibles.

Use of intoxicants

It is a sad commentary to note that the majority of the 73 cases listed came before the courts directly or indirectly because of the use of intoxicants by these children. In most cases the source of supply was traced to the adult responsible and prosecution had. In fact, with few exceptions the difficulties Navahos get into with the courts are attributable to the excessive use of intoxicants. This, it is believed, does not differ substantially from any place else in the country; it is the same group before the courts again and again. There is definitely a place for an educational program on the use of intoxicants with the recent partial repeal as it affects the Navaho people. Liquor is legal off the reservation in the States of Colorado, Arizona, and New Mexico. In contrast the State of Utah has a law prohibiting the sale of intoxicants to Indians and intoxicants are illegal within the exterior boundaries of the Navaho Reservation proper and all trust allotments outside of the reservation.

Language barrier

The majority of Navaho people are unable to speak or understand the English language; consequently, the courts of Indian offenses are conducted entirely in the Navaho language. There is no widely used written Navaho language; therefore, there is not a verbatim record kept of the proceedings of these courts. A case file will consist of a simple written complaint and information together with the related copies of warrants, subpoenas, and the final disposition or order of the court. Cases are recorded in a court docket by document number listing the date, principals, and type of offense; all documents are then jacketed and filed under docket number and title of case. There is no comprehensive breakdown as to nature of offense, sentence, etc., on a monthly or annual basis; rather a monthly report is submitted by each court relating total number of cases heard broken down only as to civil or criminal nature, reflecting also the total amount of fines collected. It would be a monumental task to go through the case files to ascertain the number of each type of offense and total penalties levied in the

4 courts in the past 2 years or for any given time, as the present files encompass cases dating back to 1950.

Cases processed by courts of Indian offenses

However, the table II, below, fairly accurately reflects the total number of cases processed by the four existing courts of Indian offenses in the Navaho jurisdiction covering the period from July 1, 1953, through March 1955.

Table II

Total criminal cases-----	7, 421
Total civil cases-----	697
Total fines-----	\$100, 614. 30

The above total of criminal cases cover all offenses enumerated in the Code of Indian Offenses for the Navaho jurisdiction. Of this total about 90 percent of the charges were for intoxication and possession of intoxicants. Without checking each file and compiling the data therefrom, it is impossible to arrive at a total of sentences handed out by the courts, or to arrive at an exact average sentence; however, it appears from day-to-day observance of the sentences and based on fines collected and costs of subsistence for prisoners, it would be conservative to estimate the average sentence imposed for all offenses passed on by the 4 courts to be 40 days in jail or \$40 fine. Considering that the great majority of these offenses are simply disorderly conduct charges, which in most justice of the peace or police magistrate courts under States laws usually receive a 5- or 10-day jail sentence, it is apparent that the Indian courts' sentences are more severe.

Federal district court cases

In touching on major crimes cognizable in the Federal district courts, the statistical information available at this jurisdiction is somewhat scanty and in some cases totally lacking as to final disposition. For the same period from July 1, 1953, through March 1955, there have been approximately 116 cases referred to the Federal district attorneys' offices in the States of Arizona and New Mexico, through the FBI and on some matters—mostly violations of the Indian liquor laws—directly by personnel of the Navaho Branch of Law and Order; of this number our records indicate 14 convictions were had. The balance of 102 cases fall in 3 categories: declined prosecution by the respective United States attorneys' offices for one reason or another, acquittals or dismissals, and cases pending. The latter consists at this time of 12 cases either awaiting grand jury action or indictments presently calendared for court disposition.

Investigation of homicides

The investigation of homicides on the reservation is somewhat hampered by lack of legal machinery usually available under State laws; for instance, there are no provisions for a coroner or coroner's inquest, to result in ordering an autopsy to make a medical determination as to cause of death (an absolute prerequisite to any prosecution). There is no apparent authority vested in anyone to order an autopsy over the objection of next of kin, which in some instances cannot be obtained due to religious beliefs and a desire to bury the deceased almost immediately. The investigative agency having primary jurisdiction should be vested with authority to order an autopsy or other means provided to that end.

Comments on the future

As previously stated the Navaho people are characteristically peaceful people. If they were not, the present system of laws and present enforcement strength could not begin to effect law and order in this vast area. The Navaho people are definitely in the preliminary throes of transition and assimilation and the demands for a better system of law and order will steadily increase. If we do not keep abreast or ahead of these demands, the net result will be lawlessness, as has happened in the past on other reservations in the Midwest.

Mr. CHUMBRIS. Now, our next witnesses will be Mrs. Sunshine Smith and Mr. Sam Birch. Mr. Birch is chairman of the Southern Ute Council, and Mrs. Sunshine Smith is tribal representative.

Mr. Robert Bennett, superintendent of the Ute Reservation; Mr. Robert White, Jr., rehabilitation director of the Ute Mountain Tribe; and Mr. Jack House, chief of the Ute Mountain Tribe.

TESTIMONY OF MRS. SUNSHINE SMITH, SOUTHERN UTE TRIBAL REPRESENTATIVE. ACCOMPANIED BY SAM BIRCH, CHAIRMAN OF THE SOUTHERN UTE COUNCIL; ROBERT BENNETT, SUPERINTENDENT OF THE UTE RESERVATION; ROBERT B. WHITE, JR., REHABILITATION DIRECTOR OF THE UTE MOUNTAIN TRIBE; AND JACK HOUSE, CHIEF OF THE UTE MOUNTAIN TRIBE

Mr. CHUMBRIS. Mr. Bennett, since you are the superintendent of the Ute Reservation, would you like to make an opening statement as to the problem with the Ute Indians in Colorado?

Mr. BENNETT. Yes, sir, I would. I think this opening statement is necessary in order to give you an idea of the backgrounds of these two groups of people, and I think maybe they have more of a problem with me than I do with them.

The Consolidated Ute Agency has administrative jurisdiction over the Southern Ute Reservation and the Ute Mountain Reservation, both of which are located in the extreme southwestern border of Colorado.

The Southern Ute Reservation consists of 303,000 acres of land, of which over 5,000 acres is allotted, and about 298,000 acres are tribal land.

The Ute Mountain Reservation, which joins it on the left, consists of 560,000 acres of land, 553,000 of which is tribal land located in Colorado and New Mexico, and allotments of 9,000 acres located in the State of Utah.

In addition, the Ute Mountain Tribe has purchased during the past year over 6,000 acres of land, and in the purchase of the land, the lands are purchased from taxpaying vendors, and the lands continue to be on the tax rolls after they are purchased by the Ute Mountain Tribe.

The Southern Ute Tribe has an enrollment of 563 persons, and the Ute Mountain Tribe has an enrollment of 657 persons; all members of the Southern Ute and Ute Mountain Tribes are self-supporting, and their income is derived from unearned income, largely in the form of per capita distribution from tribal income from oil and gas leases, and the earned income from livestock, from farming, and employment.

None are dependent upon public or general subsistence for support, although the Ute Mountain Tribe does maintain a tribal pension roll for some aged, ill, and widows.

The per capita income from unearned sources for members of the Southern Ute Tribe during the calendar year was \$3,250 per person, and for members of the Ute Mountain Tribe it was \$1,200 per person.

The present balance of the Southern Ute tribal funds is slightly over \$6 million, and the present balance of the Ute Mountain tribal fund is about \$7.5 million.

Both tribes are in the process of conducting rehabilitation programs for their members.

Based upon the act of August 12, 1954, for the Ute Mountain, and June 28, 1954, for the Southern Ute Tribe, the basis of the rehabilitation program is the family plan by which each tribe makes a guaranty of \$3,000 to each family member, based upon sound family plans developed in cooperation with tribal committees and the Bureau of Indian Affairs staff, and approved by the tribal committees.

These grants are in the nature of authorizations, and are not outright grants of cash. Any capital needed by families over and above the grants is obtainable through tribal lending programs.

There are 187 Ute Mountain children of school age, and during the school year of 1954-55, 176 of them were in school.

There are 170 on the Southern Ute group, of which 164 are enrolled in school.

The Consolidated Ute Agency also maintains a Ute Vocational School, which is a reservation boarding school. The enrollment for this year was 323, and the grades go from beginners through the 12th grade. Of the enrollment of 323, 163 are boarding students of the Navaho Tribe; 28 are students of other tribes, other than Southern Ute or the Ute Mountain Tribes.

In addition to that we have the boarding school located at the headquarters of the Ute Mountain Tribe. The percentage of attendance at this boarding school is 85 percent; at the Ute Vocational School, day school, 85 percent; and at the boarding school, 89 percent.

The school budget for 1955, including \$239,000 of funds for Ute Vocational School; \$109,000 for the boarding school, of which the tribe itself contributes \$30,000, and \$32,100 under the Johnson-O'Malley Act.

The Ute Vocational School is a fully accredited school by the State of Colorado, and the program includes the usual State course of study.

The Towaoc Boarding School is operated under a contract with the local public school district. The local public school district furnishes all of the teaching and instructional staff, and the Bureau of Indian Affairs, with a \$30,000 contribution from the tribe, furnishes the boarding home care, dining hall quarters, a heating plant, and so forth.

One of the objectives of the Southern Ute rehabilitation plan is to provide its public school education for every Southern Ute child.

At the present time there are 48 attending public schools, and 93 attend the reservation boarding school. Under Public Law 815 the Government allotted money to increase their facilities to take care of the additional Indian children, and it is expected that an addition will be completed this fall, and it is our hope that most of the Southern Ute children will be transferred from the boarding school at Ignacio, Colo., to the public schools in the Ignacio School District.

When this transfer has been completed, the tuition costs will be borne by the Federal Government under the Johnson-O'Malley Act. At this time there is a committee of 12—made up of 4 from the Southern Ute Tribe, 4 from the public-school district, and 4 from the Bureau of Indian Affairs—working on the transfer problem to the public schools, so that it might be done in an orderly manner and without any serious disturbance to the children.

Both tribes maintain scholarships for children who wish to go to high school, or who wish to go to special schools.

On the question of law and order, the entire appropriation for law and order on the Southern Ute Reservation is from local tribal funds. The total budgeted for law and order for 1955 by the tribe is \$11,000. They have one tribal placement. These funds are used to pay his services, and to pay for any contractual arrangements with other law-enforcement authorities, and to pay the expenses of courts, arrests, and prisoner care.

They also have one tribal judge who works upon call. The number of juveniles, 18 years of age and under, arrested from January 1, 1953, to December 31, 1954, was 61. Of these, 1 was 13 years of age; 2 were 15; 10 were 16; 29 was 17; and 19 were 18.

Eleven juveniles were arrested once, and there is an extreme case of 1 juvenile who was arrested 10 times. There were 10 of them arrested a total of 61 times.

Forty-six of the cases involved intoxication and reckless driving associated with intoxication; 5 for driving without driver's licenses; 6 for traffic violations; 2 for disturbing the peace; and 2 for breaking and entering.

The dispositions made of the cases have been fines of \$2,019; there were three 30-day jail sentences; two 45-day jail sentences; and 8 were placed on probation; 2 were sent to industrial schools; and 1 was dismissed.

The tribal law and order program in the Ute Mountain Reservation is also supported entirely by the local tribal fund. The tribal budget for law and order in 1955 was \$24,480, and that includes the salaries of 3 officers and 1 judge, plus the maintenance of a jail at Towaoc.

The juvenile cases of arrests since January 1, 1953, to December 31 of 1954, were 74. This involved 28 individuals.

Eleven of them were arrested for the first time, and there was 1 who was arrested 6 times.

The juvenile cases in each age group are, 1 for 12 years; 4 for 13; 7 of them were 14; 8 of them were 15; 15 of them were 16; 20 of them were 17; and 19 of them were 18.

Of the 74 cases, 60 were cases involving the excessive use of liquor or misdemeanors in connection with the use of liquor, and there were no cases other than misdemeanors. The disposition made of those cases has been, in many cases, a referral to other agencies, such as the sheriff, the city police, the tribal police, and the tribal council, and the sentences or dispositions ranged from fines from \$15 to \$278 and a 6-month probation sentence.

The hospital services at Taylor Hospital were discontinued January 15, 1955, and the hospital is operated as an outpatient clinic for members of the Southern Ute Tribes.

The hospital services were discontinued because of inability to obtain a physician and the consequent lack of use and the financial ability of the tribe to pay for the hospital and medical care. There is a doctor who visits the clinic twice each week from Durango, Colo.

The Bureau of Indian Affairs does have an appropriation for hospital cases, and students of the Ute Vocational School, many of whom are not Southern Ute tribal members, are under a contract with the local hospital in Durango, Colo.

The members of the Ute Mountain Tribe discontinued the use of the Taylor Hospital, and hospitalized their own members at Cortez, Colo.

A clinic is maintained at Towaoc, Colo., for members of the Ute Mountain Tribe. The Government's only contribution is a part-time physician who visits the clinic once each week. The only free tuberculosis sanitarium available to the Indians is the Indian Sanitarium at Albuquerque, N. Mex.

Psychiatric treatment is available at the Colorado State Hospital at Pueblo, or at private hospitals.

Dental care is not furnished by the Federal Government, except on an emergency basis. Yearly examinations are given to all schoolchildren at the vocational and Towaoc schools, and immunization programs are carried on at both schools.

There is the service of a part-time public health nurse for the Southern Ute Tribe, and a part-time public health nurse for the Ute Mountain Tribe, and they are paid on a cooperative plan for which the Federal Government makes a contribution.

All of the children at the schools were given tuberculosis tests, and all the children are included in the immunization program in the local communities. This takes care of both polio vaccines for preschool children and expectant mothers.

The health budget is \$69,988, a decrease of \$25,245 from the fiscal year 1954; 1954 is the first full year in which there has been a welfare department of the Consolidated Ute Agency, and this department has been used to develop usage of the State and local resources by the community.

Relief is not a problem in either reservation, due to adequate personal and tribal funds.

There are many social problems involving child neglect, care for the aged, and other handicapped people, and there are also problems involving the non-Indian communities.

Some of the community efforts are directed toward recreation and other projects, and I would prefer to have the members of the tribal council, who are present, go into the efforts which they are making to combat the record which we have on juvenile delinquency.

That is all I have at this time.

Mr. CHUMBRIS. This document that you just read from, could you present that to the subcommittee for its records?

Mr. BENNETT. Yes, sir.

Senator LANGER. I believe it was a very excellent statement, and we would like to have it incorporated in the record. Let it be exhibit No. 5.

(The document referred to was marked "Exhibit No. 5," and is as follows:)

EXHIBIT No. 5

CONSOLIDATED UTE AGENCY

The Consolidated Ute Agency consists of the Southern Ute Reservation and the Ute Mountain Reservation.

The Southern Ute Reservation consists of 5,291 acres of allotted land, 298,277 acres of tribal land, for a total of 303,518 acres. In addition, there are 565 acres of agency and school reserve.

The Ute Mountain Reservation consists of 9,079 acres of allotted land, 553,358 acres of tribal land, for a total of 562,437 acres. In addition there are 1,040 acres set aside for administrative sites. The tribe purchased additional land this year for summer range (6,225 acres) from rehabilitation funds.

The Southern Ute Tribe has an enrollment of 563 and the Ute Mountain Tribe has an enrollment of 657. All members of the Southern Ute and Ute Mountain Tribes are self-supporting and their income is derived from two main sources: unearned income in the form of per capita distribution of tribal income from oil and gas leases and earned income from livestock farming and employment. None are dependent on public or general assistance for support, although the Ute Mountain Tribe does maintain intermittently a so-called tribal pension roll

for aged, ill, and widows. The per capita income from unearned sources for members of the Southern Ute Tribe during calendar year 1954 was \$3,250 and for members of the Ute Mountain Tribe it was \$1,200.

The present balance of Southern Ute tribal funds is \$6,166,157.03, and the present balance of Ute Mountain tribal funds is \$7,455,909.12.

Both tribes are in the process of conducting rehabilitation programs for their members based upon the act of August 12, 1954 (67 Stat. 540), for the Ute Mountain Tribe and the act of June 28, 1954 (68 Stat. 300), for the Southern Ute Tribe. The basis of the rehabilitation programs is the family plan by which each tribe makes a grant of \$3,000 to each family member based upon sound family plans developed in cooperation with tribal committees and agency staff and approved by tribal committees. These grants are in the nature of authorizations and are not outright cash grants. Any capital needed by families over and above the grant is obtainable through tribal lending programs.

Census of Ute Mountain Ute children of school age, 6-18, Consolidated Ute Agency, 1954-55

Total number of children-----	187
Number in all schools-----	176
Public schools-----	22
Federal schools:	
Reservation boarding schools-----	115
Nonreservation boarding schools-----	36
Total in Federal schools-----	151
Mission schools (boarding)-----	2
Special schools-----	1
Number not in school-----	11

Census of Southern Ute children of school age, 6-18, Consolidated Ute Agency, 1954-55

Total number of children-----	170
Number in all schools-----	164
Public schools-----	56
Federal schools:	
Reservation boarding schools-----	93
Nonreservation boarding schools-----	10
Total in Federal schools-----	103
Mission schools (boarding)-----	3
Special schools-----	2
Number not in school:	
Married-----	5
Other reasons-----	1
Total number not in school-----	6

*Ute Vocational School enrollment, 1954-55*¹

Grades	Day	Boarding	Southern Ute	Ute Mountain	Navaho	Other	Total
Beginners.....	11	7	12	1	5	0	18
1st.....	6	18	8	0	15	1	24
2d.....	6	20	7	2	16	1	26
3d.....	4	22	7	1	17	1	26
4th.....	7	21	8	1	16	3	28
5th.....	9	20	9	5	14	1	29
6th.....	8	22	9	1	18	3	30
7th.....	8	21	9	7	11	2	29
8th.....	11	21	11	4	9	8	32
9th.....	5	21	6	3	12	5	26
10th.....	3	15	3	1	9	2	18
11th.....	2	16	5	3	9	1	18
12th.....	3	16	3	3	12	1	19
Total.....	83	240	97	35	163	28	323

¹ Figures are for the month of September 1954.*Towaoc Boarding School enrollment, 1954-55*

Grades	September	October	November	December	January	February	March
1st.....	20	21	22	22	23	23	23
2d.....	18	19	19	19	19	19	19
3d.....	24	24	24	24	24	24	24
4th.....	19	19	20	20	20	22	22
5th.....	20	22	22	22	22	23	23
6th.....	13	18	19	19	19	19	19
Percentage of attendance							
All.....	97.8	97.5	94.9	95.2	91.1	84.4	89.6

Percent of attendance as reported on annual school report, May 1954

Ute Vocational School:	Percent
Day.....	85.8
Boarding.....	99.5
Towaoc Boarding School.....	85.0

Attendance figures for September through March 1954-55, Ute Vocational School

	Enrollment	Average attendance
Day.....	97	89
Boarding.....	235	225
Total.....	332	314

School budget for 1955

Ute Vocational School.....	\$239,071
Towaoc Boarding School.....	109,105
District contracts.....	32,100
Total.....	380,276

PROCEDURES IN EFFECTING SCHOOL ATTENDANCE

First, enumeration.—Toward the end of each school term designated teachers carefully check the census rolls, send out letters to all schools of the adjoining area, hold conferences with welfare officers and public health nurses to determine

the location of all families. With this information the census cards are brought up to date. This procedure is repeated before the beginning of the school term and immediately after the beginning of school.

Second, home visitations.—Teachers and members of the education committee visit all homes on the reservation.

Third, printed information.—Letters, copies of the school newspaper, and other printed matter reach the parents regularly.

Fourth, letters sent out.—Letters to county, State, public school, and Federal officials advising them of the whereabouts, economic status, and other personal information of the families and students are mailed out as needed.

Fifth, council cooperation.—Weekly reports on attendance are made by all teachers to the tribal council. An educational representative of the council then contacts the parents of the children whose attendance has been poor. Meetings have been held jointly by tribal representatives and the school, at which time the tribal representatives rewarded students for high achievement and attendance.

Curriculum.—The Ute Vocational School, the only Indian high school on the reservation, is fully accredited by the State of Colorado. This school works closely with the other schools, both public and Federal, being a member of the San Juan Basin Activities Association and the Colorado High School Activities Association. Pupils participate fully in the athletic, student government, fine arts, and other activities of the area. Ninety percent of the teachers are members of the State teachers association and participate in workshops and meetings with public-school teachers regarding teaching procedures and the curriculum.

The program of the Ute Vocational School includes the academic subjects required by the State accrediting department and follows the State course of study. The school also offers vocational subjects in agriculture and home economics. In the grade school a course of study arranged through cooperative study with the United Pueblos Agency is followed. The school is visited regularly by State and county school officials.

Teachers.—In order to receive civil-service status, teachers in a Government school must have degrees for high-school and grade-school positions. In addition, high-school teachers must meet the State requirements as to number of hours in the specific subjects they are to teach. Only one of the teachers at the Ute Vocational School does not meet both of these requirements and this teacher will fill the requirements this summer.

Extracurricular activities.—Community meetings are held at the school at regular intervals. Religious instruction is available for the children, outside of school time, several days a week.

A regular sports program in football, basketball, and baseball is carried on in cooperation with the other schools of the area.

The 4-H and FHA chapters are very active, taking part in the activities of the county and State organizations. Boy and Girl Scout troops have been organized within the past 2 years. The tribe, the school, and the community have organized a recreational program for the summer which will include swimming, boys' and girls' softball leagues, arts and crafts classes, summer camps, a youngsters' baseball league, and an adult baseball league. Other activities running during the school year include student council, school paper, driver-training classes, and a student-operated canteen.

The Towaoc Boarding School operates on a different basis. It is an elementary school for grades 1 through 6 and is operated by the Montezuma Public School District. The buildings and utilities are furnished by the Government. The district hires the teachers and the school has the same course of study as the other public schools of the State. The Government operates the dormitories, dining hall, quarters, heating plant, and takes care of maintenance of all buildings. Extracurricular activities are provided by the Government in the form of intramural sports, clubs, building councils, and weekly movies. The Ute Mountain Tribal Council at Towaoc also receives weekly reports on attendance and cooperates with the school in trying to keep attendance at as high a level as possible.

Ute Vocational High School class schedule, 1954-55

Time	Kemp	Stimson	Scott	Kendal	Lacewell	Blackbird	Arenas	Cunningham	Richmond	McCleery	Moony
8:00 to 8:45	Supervising Kitchen	Supervising Farm									Senior Band 40
8:45 to 9:05			Home Room Grade 8 32 Boys Base.	Home Room Grade 9 18 English Rm.	Home Room Grade 10 18 Gym	Home Room Grade 10 18 Ag. Rm.	Home Room Grade 11 16 Science Rm.	Home Room Grade 7 28 Girls Base.	Dormitory Supervision	Dormitory Supervision	
9:05 to 10:05	Home Ec. Girls Grade 8 Home Ec. Rm. 16	Agriculture Boys Grade 8 Ag. Rm. 16	Am. Hist. Grade 11 16 Boys Base.	English Grade 9 23 English Rm.	American Problems Grade 12 18 Girls Base.	Phys. Ed. Boys Grade 7 20 Gym	Health Girls Grade 7 8 Laundry	General Science Grade 10 18 Science Rm.			Elementary Music 25-34
10:05 to 11:05	Home Ec. Girls Grades 11, 12 Home Ec. Rm. 17	Ag. and Shop Boys Grades 11, 12 Ag. and Shop 17	Shop Boys Grade 7 20 Shop	English Grade 8 32 English Rm.	Civics Grade 10 18 Girls Base.	Open	Phys. Ed. Girls Grade 7 8 Gym	Mathematics Grade 9 23 Science Rm.			Elementary Music 24-32
11:05 to 12:05	Home Ec. Girls Grade 7 Home Ec. Rm. 8	Agriculture Boys Grade 7 20 Shop	Biology Grade 12 18 English Rm.	English Grade 10 18 English Rm.	World History Grade 9 23 Girls Base.	Phys. Ed. Boys Grade 9 23 Girls Base.	Phys. Ed. Girls Grade 7 16 Gym	Mathematics Grade 11 18 Ag. Rm.			Sectional Re- hearsal Band 8

NOON

1:00 to 1:45	Home Ec. Girls Grades 9, 10 Home Ec. Rm.	Agriculture and Projects Grades 9, 10 Ag. Rm.	Shop Boys Grades 9, 10 Shop	English Grade 11 English Rm.	English Grade 12 18 Girls Base.		Social Science Grade 8 32 Science Rm.	Mathematics Grade 7 28 Laundry	Dormitory Supervision	Dormitory Supervision	Open
1:45 to 2:30	Ditto 19	Ditto 22	Ditto 22	English Grade 7 28 English Rm.	Open	Dr. Training Grades 11, 12 32 Laundry	Open	Open	Sectional Rehearsal Band 8-12	Sectional Rehearsal Band 7-10	
2:30 to 3:15	Open	Open	Social Studies Grade 7 28 Ag. Rm.	Open	Attendance Records	Health Wed. Boys Grades 9-12 Phys. Ed. Thurs., Fri. 39 Gym. Boys Base.	Girls Grades 9-12 Phys. Ed. Wed., Fri. Health Th. 36 Gym. Girls Base.	Mathematics Grade 8 32 Science Rm.	Guidance Boys Grades 9-12 Mon., Tues. 39 Boys Base	Guidance Girls Grades 9-12 Mon., Tues. 36 Girls Base	
3:15 to 4:00	FHA Girls Grades 9-12 Mon. Study Mon., Tues., Th., and Fri.	Ag. Club Boys Grades 9-12 Monday 39 Ag. Rm.	Open	Library	Supervision and Records	Athletics Boys Grades 9-12 Tues., Wed., Th., Fri. 30 Gym.	Pop Club Girls Grades 7-12 Tuesday 60 Gym.	Study Hall Grade 7 Th., and Fri. 28 Science Room	Guidance Boys Grades 7-9 Mon., Tues., Wed. 36 Boys Base.	Guidance Girls Grades 7, 8 Mon., Wed., 24 Girls Base.	Junior Band 24

NOTE.—Choir practice, 6:30-7:30 p. m. under the direction of Mr. Schinost as announced per weekly calendar. Class play, basketball practice, shows, and other evening schedules and assemblies will be arranged and announced by weekly calendar.

SOUTHERN UTE CHILDREN TO TRANSFER TO PUBLIC SCHOOL

One of the objectives of the Southern Ute rehabilitation plan is to provide public-school education for every Southern Ute child. At the present time there are 48 Southern Ute children attending the Ignacio Public School and 93 are attending the reservation boarding school. The Government is contributing \$72,000 this year to the Ignacio Public School District for improvement and expansion of the present elementary school so that they may accommodate all of the Southern Ute children. It is expected that the construction and improvement program will be completed this fall.

A 12-member education committee was appointed to study the problems involved so that the transfer might be made in an orderly manner and without any serious disturbance of the children involved. Membership in this committee is made up of 4 from the Southern Ute Tribe, 4 from the public school, and 4 from the agency. The following subcommittees were selected with representatives from each group:

(1) *Committee on accumulative record study*

This committee studied each of the accumulative records of the children involved and interviewed their teachers. After a study of the records, the committee recommended that most of the elementary children could be transferred with little difficulties involved, but that the junior and senior high school students needed further study by home visitations and talks with parents before any definite recommendation could be given. Each case needed to be considered on an individual basis.

(2) *Committee on home visitation*

The committee visited 20 homes the first week and found 15 parents at home. A partial progress report revealed that parents needed additional information and several new questions were brought before the education committee to consider or clarify. This committee expects to finish visitation of all homes next month and will then make a complete report with recommendations.

(3) *Committee on organization*

This committee will study problems involving transportation, interchange of classes, schedules, attendance, policy, etc. No report has been received from this committee to date.

(4) *Publicity committee*

The purpose of this committee is to keep the public informed by means of the radio, newspapers, letters to parents of both non-Indian and Indian children, and to arrange to have members of the committee appear before service clubs, parent groups, teachers, and pupils to explain the program and answer questions.

One 30-minute radio program was presented by the committee and another program is planned with Indian and non-Indian students participating.

The education committee will continue to function for several years or as long as it is needed to assist with problems on transfers, attendance, policy, etc.

TRIBAL SCHOLARSHIPS

Both tribes are encouraging their young people to go to trade schools and colleges by offering scholarships worth \$500 a year or \$2,000 for a 4-year college course. Fourteen high-school graduates have been awarded scholarships.

SOUTHERN UTE JUVENILE DELINQUENCY

Law and order

Appropriation from local tribal funds.—The total budget for law and order for the year is \$11,000, of which \$5,400 is paid for the salary of the one officer. Contractual services account for \$2,000 and courts, arrest, and prisoner care for \$2,000, with \$1,600 for other expenses.

Court cases since Jan. 1, 1953

Number of juveniles (18 years of age and under) arrested since Jan. 1, 1953, as of today-----	25
Juvenile cases of arrest since Jan. 1, 1953-----	61

Summary of repeat cases

Number of juveniles	Times ar- rested	Total num- ber of cases
11-----	1	11
6-----	2	12
3-----	3	9
3-----	4	12
1-----	7	7
1-----	10	10
Total (25)-----		61

Total number juvenile cases in each age group

Age :	Number of cases
13 years-----	1
15 years-----	2
16 years-----	10
17 years-----	29
18 years-----	19

Juvenile cases from intoxication, reckless driving, assault and battery, breaking and entering, driving without driver's license, resisting arrest, traffic violations, and disturbing the peace

	Number of cases
Justice of the peace and city court-----	34
County court-----	15
Tribal court-----	12
Charges :	
Reckless driving-----	23
Intoxication-----	23
Driving without driver's license-----	5
Traffic violations-----	6
Disturbance of the peace-----	2
Breaking and entering-----	2
Total-----	61

Cooperation with the city, county sheriff, his deputy, the State patrol, probation officer, and other officials of the law-and-order departments has been very good. Officers, however, have jurisdiction problems that need to be settled.

A tribal committee at the present time is working on the law-and-order problems in cooperation with the county and city officials.

Disposition of cases

Number of cases	Disposition		Total
	Sentence	Fine	
1		\$2.50	\$2.50
2		5.00	10.00
1		8.00	8.00
4		15.00	60.00
1		15.80	15.80
4		17.50	70.00
1		16.70	16.70
1		23.00	23.00
3		25.00	75.00
1		29.23	29.23
7		30.00	210.00
1		35.00	35.00
2		40.00	80.00
2		45.00	90.00
2		50.00	100.00
1		53.00	53.00
1		55.00	55.00
1		64.70	64.70
1		62.50	62.50
1		78.00	78.00
1		75.00	75.00
1		80.00	80.00
1		100.00	100.00
1		108.60	108.60
1		113.60	113.60
1		125.00	125.00
1		110.00	110.00
2	Jail 30 days	50.00	100.00
1	do.	68.70	68.70
2	Jail 45 days		
8	Probation		
2	Industrial school		
1	Dismissed		
Total (61)			2,019.33

UTE MOUNTAIN UTE JUVENILE DELINQUENCY

Law and order

Appropriation from local tribal funds.—The 1955 tribal budget for law and order is \$24,480, of which \$12,600 is paid for the salary of the 3 officers and 1 judge. Courts, arrest, and prisoner care amount to \$3,000, with \$3,388 prisoner care (at Towaoe), \$5,000 for other expenses.

Court cases

Number of juveniles (18 years of age and under) arrested since Jan. 1, 1953, as of today	28
Juvenile cases of arrest since Jan. 1, 1953	74

Summary of repeat cases

Number of juveniles	Times arrested	Total number cases
11	1	11
4	2	8
3	3	9
5	4	20
4	5	20
1	6	6
Total (28)		74

Total number juvenile cases in each age group

<i>Age:</i>	<i>Number of cases</i>
12 years-----	1
13 years-----	4
14 years-----	7
15 years-----	8
16 years-----	15
17 years-----	20
18 years-----	19

At one time, there was considerable feeling in the local community of Cortez, Colo., that law and order problems of the community involving Indians, should be turned back to the tribe. However, the responsibility of the community for their law and order problems has now been accepted by the community and cooperation between tribal law enforcement and community law enforcement officials is good. The tribal officers maintain radio communications with the local sheriff's office for which the tribe pays \$25 per month.

Reason for arrest

	<i>Number</i>
Drunk-----	38
Drunk and disturbing peace-----	11
Drunk, no license to drive-----	1
Drunk on highway-----	1
Giving liquor to minors-----	1
Aiding and abetting-----	1
Drunk or fighting-----	3
Disturbing peace-----	3
Drunk and protective custody-----	2
Improper use of license-----	1
Liquor on reservation-----	5
Drunk driving, hit and run, no license-----	1
Drunk driving-----	1
Aiding and abetting drunk driver-----	1
Probation violation-----	1
No reason-----	2
Parole violation-----	1
Total-----	<hr/> 74

<i>Disposition</i>	<i>Number</i>
Released to city police, Cortez-----	22
Released to custody of tribal police-----	11
Referred to district attorney Montezuma County-----	5
Released to custody of school official-----	2
Released to Colorado State patrol-----	1
Released to sheriff LaPlata County-----	2
Released to custody of father-----	3
Released to Dolores city police-----	2
Released to district attorney-----	1
Released to justice of peace court, Dolores-----	1
Probation, 30 days-----	1
Probation, 30 days suspended-----	1
Probation, bond to father-----	1
Case continued-----	1
Suspended sentence, 30 days-----	1
Jail, 20 days-----	1
6 months' probation sentence-----	1
Continued and released-----	1
Unknown-----	2
Dismissed-----	4
Jail, 30 days county jail-----	1
Fine, \$15-----	2
Fine, \$15 or 7 days jail-----	1
Fine, \$20 tribal court-----	1
Fine, \$15-----	2
Fine, \$50 and 15 days in jail-----	1
Fine, \$103-----	1
Fine, \$278 or 60 days in jail-----	1
Total (\$527 in fines)-----	74

HEALTH PROGRAM

Hospital services at the Taylor Hospital were discontinued on January 15, 1955, and it is now operated as an outpatient clinic for the members of the Southern Ute Tribe and the students of the Ute Vocational School on a 5-day week basis. The hospital services were discontinued because of the inability to obtain a medical officer and consequent lack of use and the financial ability of the tribal members to pay for their own hospital and medical care. The full-time staff at the clinic consists of 1 nurse, 1 attendant, and a clerk, and a part-time physician who drives out from Durango, Colo., 24 miles away. He is on duty each Tuesday and Thursday morning from 9 to 12. All hospital cases are sent to a non-Bureau hospital in Durango where they may choose a doctor of their own choice. Hospitalization is usually limited to 14 days and cases involving long periods of hospitalization are referred to the County-Indian Hospital at Albuquerque, N. Mex. The clinic and the non-Bureau-hospital programs are supported by appropriated Government funds; however, more and more individual members of the tribe are paying for their own hospital and medical services and the Council of Southern Utes is considering a hospital- and surgical-insurance program for the members of the Southern Ute Tribe.

The members of the Ute Mountain Tribe discontinued using the Taylor Hospital some 4 years ago and have hospitalized their members at the Southwestern Community Hospital in Cortez, Colo. The costs of hospital care and medical services are paid for by the tribe. A clinic is also maintained at Towaoc, Colo., the reservation headquarters which is staffed by a clinic nurse and a clerk, paid from tribal funds, and a part-time physician who visits the clinic each Wednesday morning from 9 to 12 paid from appropriated Government funds. The council is considering group hospital and surgical insurance for those members of the tribe living off the reservation proper in the vicinity of Blanding, Utah, who number 150 members. This will enable those members to take advantage of physicians' services and hospital services much closer to their homes.

The only free tuberculosis sanatorium available to Indians of the Southern Ute and Ute Mountain Reservation is the Indian sanatorium at Albuquerque, N. Mex. Psychiatric treatment is available at the Colorado State Mental Hos-

pital at Pueblo, Colo., or from private hospitals, for which the Indians usually pay.

Dental care has not been available except on an emergency basis, and that is from local dentists in Durango. Local dentists are not interested in taking cases on a fee basis. Dental equipment at the Taylor Hospital is available should the Public Health Service be able to secure the services of a dentist.

Yearly examinations are given to all schoolchildren enrolled at the Ute Vocational School and the Towaco Boarding School and immunization programs are carried on at both schools. The services of a part-time public nurse for the Southern Ute Tribe and a part-time public health nurse for the Ute Mountain Tribe are obtained on a cooperative contract basis through the San Juan Basin health unit. The cost for the services to the members of the Southern Ute and Ute Mountain Tribes is paid for from appropriated Government funds. The nurses give classes in the school on personal hygiene, visit the school at least 1 day per week, and spend one-half day each week at the clinics for any adults who are interested in their services. All children at the schools were given tuberculin tests and those reacting positively to the tests were given chest X-ray examinations. All X-ray examinations proved negative. All children are participating in the polio immunization program with the local communities, and both tribal councils have authorized the purchase of polio vaccine for preschool-children and expectant mothers.

The budget for the fiscal year 1955 is \$69,988, a decrease of \$25,245 from fiscal year 1954.

Inpatient care

Month and year	Admissions	Hospital days	Individuals as out-patients	Month and year	Admissions	Hospital days	Individuals as out-patients
<i>1953</i>				<i>1954</i>			
January.....	157	761	318	January.....	27	158	154
February.....	39	440	210	February.....	16	192	121
March.....	36	294	210	March.....	20	179	141
April.....	17	168	149	April.....	21	113	142
May.....	17	160	146	May.....	14	156	128
June.....	18	119	62	June.....	6	89	62
July.....	24	206	87	July.....	12	90	61
August.....	14	204	80	August.....	6	52	117
September.....	21	186	145	September.....	9	32	244
October.....	17	147	183	October.....	3	22	206
November.....	14	130	314	November.....	13	50	169
December.....	21	177	118	December.....	4	30	124
Total (1 year).....	395	2,992	2,022	Total (1 year).....	151	1,163	1,669

Off-reservation hospitalization, Mercy Hospital, Durango, Colo.

[\$17.21 per diem rate]

Month and year	Admissions	Hospital days	Individuals seen, out-patient clinic	Month and year	Admissions	Hospital days	Individuals seen, out-patient clinic
<i>1954</i>				<i>1955</i>			
July.....	3	-----	5	January.....	12	59	1
August.....	6	-----	2	February.....	10	30	0
September.....	6	-----	3	March.....	8	9	2
October.....	6	-----	2				
November.....	6	-----	11				
December.....	7	-----	2				

Taylor Hospital, inpatient care

Month and year	Admissions	Hospital days	Individuals as outpatients	Month and year	Admissions	Hospital days	Individuals as outpatients
1955				1955			
January.....	0	0	97	March.....	0	0	127
February.....	0	0	161				

Ute Mountain Health Center, Towaoc

Total number of visits:

1953.....	4,817
1954.....	7,861

Southwest Community Hospital, Cortez, Colo.

[\$14.58½ per diem rate paid from tribal funds]

Year	Total admissions	Hospital days
1953.....	150	923
1954.....	280	1,609

WELFARE DIVISION SERVICES

1954 is the first full year in which there has been a welfare department at the Consolidated Ute Agency. The focus of the department has been to develop usage of State and local resources by the Ute Indians. However, in both Colorado and Utah, local county commissioners in the three counties involved are not yet ready to employ special service personnel although they are moving in that direction, with the Colorado State staff encouraging such development. Relief is not a problem in this area due to adequate and personal tribal funds. There are many serious social problems in each of the three groups involving child neglect, care of the aged, and other handicapped people; there are also problems involving non-Indian communities in encouraging their willingness to develop resources needed not only by Indians, but by the whole community.

* At present, a 14-man recreation committee has been appointed from representatives of the Southern Ute Tribe, agency employees, and the town of Ignacio to plan a recreation program for the local community under the direction of the county recreation director. The activities underway at this time are a marble tournament for boys and a jack tournament for girls. Committees have been appointed for the following activities: Baseball, softball, roller skating, swimming, camping, roping, fishing, and dancing. All age groups will be included. The local Lions Club, Indian Women's Club, and the Ignacio Women's Club are ready to assist and give financial aid to this very worthwhile community program of recreation. The Southern Ute Tribal committee is also sponsoring a summer youth camp for teen-age boys of the tribe patterned after the old CCC camps. The tribal welfare committee is also responsible for the planning and organization of the 8-week summer day camp for children, age 6 to 12. A 2-day leadership training program, under direction of the State of Colorado welfare department, is being planned for the mothers, and teen-age girls May 6 and 7 to assist with this day camp. The Southern Ute Tribe is planning to build, eventually, a large recreation hall for \$100,000; however, the present community hall is being enlarged to take care of immediate needs.

The Ute Mountain Tribe recently completed the construction of a new office building which includes a snack bar. A tribal club has been organized

for planning recreation activities. Basketball and baseball teams are generally sponsored by the tribe. A weekly movie is sponsored by the school at Towaoc, classes in leathercraft, model airplane construction, photography, beadwork, and ceramics are in the process of being formed. A weekly movie is also sponsored by the school at Ignacio which is open to the community.

The amount expended for welfare at this agency, Consolidated Ute Agency, during the past years is as follows:

1953.....	\$3, 625
1954.....	10, 150
1955.....	9, 760

Personnel includes 1 social worker and 1 clerk-typist.

Adequate housing has been a problem in the past, but with the rehabilitation program the past year, the Southern Utes have purchased 9 trailer houses, remodeled or built 36 new homes, while 6 houses are in the planning stage. With adequate housing, a healthy environment will be provided in which to bring up a family.

On the Ute Mountain Reservation, some 70 houses have been built or are in the process of construction.

Per capita payments 1954

	Number	Amount	Total
Ute Mountain Utes:			
Mar. 11, 1954.....	636	\$350	\$222, 600
June 1, 1954.....	633	350	221, 550
Oct. 8, 1954.....	643	400	257, 200
Dec. 9, 1954.....	650	100	65, 000
Total.....		1, 200	766, 350
Southern Utes:			
Mar. 1, 1954.....	546	750	409, 500
June 17, 1954.....	550	500	275, 000
July 12, 1954.....	550	500	275, 000
Oct. 1, 1954.....	554	1, 000	554, 000
Dec. 9, 1954.....	554	500	277, 000
Total.....		3, 250	1, 790, 500

¹ Per capita payment part of rehabilitation program funds.

1955 per capita payments up to the present time

Southern Utes.....	\$500
Ute Mountain Utes.....	400

Average monthly welfare statistical report for period Jan. 1-Dec. 31, 1954

(Appropriations from tribal funds)¹

I. GENERAL ASSISTANCE

	Households	Persons
A. Caseload: Total applications.....	1	² 1
B. Cases aided.....	38	58
C. Classification:		
Total aided.....	38	56
1. Dependent children.....	7	13
2. Disability.....	2	2
3. Old age.....	16	23
4. Insufficient earnings.....	13	18
D. Payments, monthly average:		
1. Expended.....	\$2, 080	
2. Average payment.....	\$56	

¹ Taken from monthly welfare reports for 1954.

² 1 month only.

Average monthly welfare statistical report for period Jan. 1-Dec. 31, 1964—Con.

II. OTHER SERVICES AND ASSISTANCE

	Persons	Amount
1. Boarding home care.....	8	\$50
2. Care of delinquents.....	0	-----
3. Care of handicapped.....	1	100
4. Mission school care.....	0	-----
5. Burials.....	0	-----
6. Miscellaneous (other).....	0	-----

III. SERVICE ONLY CASES

	Households	Persons
Total cases.....	70	179
1. Family cases.....	39	120
2. One adult person cases.....	9	9
3. Children's cases.....	22	50

Comments.—All boarding home care is paid for from children's own funds, at the rate of \$50 or \$75 per month. The handicapped child's care is paid from her funds. Special services arranging banking, and savings accounts for minor's money, for 103 families.

	Southern Ute	Ute Mountain
1934 census.....	391	445
Adoptions.....	20	2
Other.....	246	334
Subtotal.....	657	781
Deaths.....	113	159
Removals.....	3	-----
Subtotal.....	116	159
Total (1953).....	541	622

Southern Ute and Ute Mountain census statistics taken as of June 10, 1954

	Southern Ute	Ute Mountain
Female.....	263	327
Male.....	267	301
Total.....	530	628
Over 65 years of age:		
Female.....	7	8
Male.....	9	10
Subtotal.....	16	18
Under 18 years of age:		
Female.....	119	148
Male.....	127	165
Subtotal.....	246	313
18 to 65:		
Female.....	137	145
Male.....	131	152
Subtotal.....	268	297

CONSOLIDATED UTE AGENCY, IGNACIO, COLO.

Relocation services

The relocation program affords Indians unable to make a living at home the help they need to move to urban centers where they can make a good year-round living. The Southern and Mountain Ute Tribes have comparatively considerable resources at home and have not shown much interest in relocation services. Planning now in progress may lead to a limited amount of resettlement away from these reservations in the future. Because of the comparative affluence of these tribes, relocation assistance funds have not been offered to them from the limited funds available to the United Pueblos Agency. Relocation staff from the United Pueblos Agency has made infrequent trips to both the Ute Mountain and Southern Ute Reservations to explain the relocation program and their services, although not their funds, have been available. The summary of accomplishments given below represents relocations effected by Utes paying their own expenses.

Fiscal year 1953, none.

Fiscal year 1954: 1 family totaling 2 persons relocated without financial assistance, no returns; 2 single persons relocated without financial assistance, no returns.

Fiscal year 1955 (to April 30, 1955), none.

Funds expended for relocation, none.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE,
CONSOLIDATED UTE AGENCY,
Ignacio, Colo., June 6, 1955.

HON. ESTES KEFAUVER,

*Chairman, Subcommittee to Investigate Juvenile Delinquency,
Washington, D. C.*

DEAR MR. KEFAUVER: I wish to express my appreciation for your kind letter of May 13 with respect to the testimony given during the hearings on juvenile delinquency in Phoenix, Ariz.

As you will recall, Mrs. Sunshine Smith, tribal representative of the Southern Ute Tribe of Ignacio, Colo., stated what the tentative plans of the Southern Ute Tribe were in dealing with the problems of juvenile delinquency.

I am happy to report that by resolution No. 711 adopted on May 13, 1955, a copy of which is attached, the Council of Southern Utes took positive action and established a youth camp for young men of the Southern Ute Tribe from ages 14 to 21, a day camp for children ages 6 to 12, and set up training positions in clerical work for members of the tribe in the tribal office. This resolution is now being implemented and by June 6 the youth camp and the day camp and the training program will be in operation.

I am sure the Council of Southern Utes is to be complimented for their efforts in dealing with the problem of juvenile delinquency on the Southern Ute Reservation.

Sincerely yours,

ROBERT L. BENNETT, *Superintendent.*

RESOLUTION OF THE COUNCIL OF SOUTHERN UTES CONSOLIDATED UTE AGENCY,
IGNACIO, COLO.

Resolution No. 711

Whereas authority is vested in the tribal council by the constitution and bylaws adopted by the Southern Ute Tribe and approved November 4, 1936, to act for the Southern Ute Tribe; and

Whereas it is the desire of the Council of Southern Utes to provide employment and wholesome recreational opportunities for the younger members of the Southern Ute Tribe; and

Whereas it is the belief of the council that by providing such opportunities it may be possible to control or combat juvenile delinquency among the members of the tribe; Now, therefore, be it

Resolved, That the establishment of a youth camp for young members of the Southern Ute Tribe, ages 14-21, is hereby authorized pursuant to a plan of organization to be developed by the members of the camp, subject to the following stipulations:

1. The rate of pay for laborers shall not exceed 80 cents per hour and the rate for crew foremen, selected from the members of the camp by the camp supervisor by popular election or otherwise, shall not exceed 90 cents per hour.

2. Mr. Charles Dunnagan shall be employed as camp supervisor at the rate of \$300 per month and he is to remain on duty at the camp 24 hours per day from 8 a. m. Monday, to 5 p. m. Friday each week, exclusive of legal holidays.

3. Work projects shall be outlined by Mr. Lynn Dewey, range conservationist, and Mr. Eugene Quadri, forester, and approved by the council.

4. No personal cars or intoxicating beverages shall be allowed at the camp except when permitted for social functions.

5. A full schedule of recreational activities shall be provided after work hours.

6. Members of other Indian tribes may be enrolled in the youth camp.

7. Any person over the age of 21 years desiring to enroll in the camp must have the express approval of the council.

Be it further resolved, That a day camp shall be established at Ute Park, open to all children of the Ignacio community, ages 6-12, inclusive, subject to the following stipulations:

1. Ladies, ages 15 and over may be employed as leaders at a rate not to exceed \$1 per hour.

2. A day camp supervisor, preferably with professional training and experience shall be employed at a salary determined by the council.

3. Nonmembers of the Southern Ute Tribe shall pay a fee for attendance at the youth camp.

4. Membership cards shall be issued with rules of conduct and failure to obey the rules may result in cancellation of the membership card and denial of further attendance at the day camp. Cards shall also include a disclaimer of responsibility of the Southern Ute Tribe for any injuries to members attending the day camp; however, insurance shall be procured as an added protection.

Be it further resolved, That positions for trainees in clerical and secretarial work shall be established for members of the Southern Ute Tribe, ages 15 or over, under the supervision of Mrs. Sunshine C. Smith, tribal representative, subject to the following stipulations:

1. The rate of pay shall not exceed 75 cents per hour.

2. Necessary office equipment shall be rented for the duration of the program.

3. Since experience is the objective of the trainee program, office work may be performed for the Bureau of Indian Affairs as well as the Southern Ute Tribe; be it further

Resolved, That the Council of Southern Utes does hereby authorize Mrs. Thelma Kuebler, finance officer, to make such budgetary adjustments to make funds available for this expenditure.

This resolution was duly adopted on this 13th day of May 1955.

SUNSHINE SMITH,
Acting.

SAM BURCH,
Chairman, Southern Ute Tribal Council.

CERTIFICATION

This is to certify that there were 4 of the regular elected Southern Ute Councilmen present at the above meeting, at which 3 voted for and 0 against, it being a quorum and the above resolution was passed.

IDA SUTHERLIN,
Acting Tribal Secretary.

Mr. CHUMBRIS. Mr. Bennett, did you want to call on the members who are with you to present the different points of view? Have you discussed that with them? Handle it in the manner that you best see fit.

Mr. BENNETT. Yes, sir. Before I call on the members, I would also like to advise the committee that Mr. Ralph Cloud, a member of the Southern Ute Tribe, and Mrs. Ruby Cloud, who is chairman of the tribal welfare and recreation committee, are also present. Mrs. Dorothy Bocks, a member of the tribal recreation committee, is present at this hearing; and also Mr. Edward Bocks, chairman of the credit com-

mittee, and former member of the tribal council, who is very active in Southern Ute tribal affairs.

For the Ute Mountain Tribe, in addition to the witnesses, we have Mr. Harry Wall, a member of the tribal council; Mr. Clifford White, who is a member and representative of the Ute Mountain Indian Club Organization, which is an organization of the younger members of the tribe, authorized by the tribal council; and Mr. Frank Pyle, longtime friend and tribal adviser to the Ute Mountain Tribe, who holds the position with the approval of the committee chairman.

Now, I will ask Mrs. Smith at this time to talk about some of the discussions and approaches of the Council of Southern Utes to the juvenile problem. Mrs. Sunshine Smith.

Mrs. SMITH. I know you are talking about the juvenile delinquency problem, and I know that it is a problem all over the country.

What we are doing, or at least what we are trying to do, on our reservation is to try to work out some kind of a project whereby the young people of our tribe can take part, and just recently we have been working on a youth camp, patterned after the old CCC project.

We have teen-agers who are offenders, and they are on probation, and this summer, when school is out, they will be free, so we thought that we would work out some kind of a program whereby they will be working all summer, not only for themselves, but for the tribe, for the good of the tribe, working on a reservation.

We have natural resources, such as timber, and a system of conservation of our resources, and we are trying to get a camp where they will participate in timber scaling, and trying to prevent forest fires and help with trail-blazing, and all that sort of program.

Mr. CHUMBRIS. How long have you been doing this?

Mrs. SMITH. We are going to start it this summer.

Mr. CHUMBRIS. How long have you been with the tribal council, I mean, representing the tribal council here? How long have you been associated with their work?

Mrs. SMITH. Oh, I have been 3 years with the tribal council.

Mr. CHUMBRIS. In what official capacity?

Mrs. SMITH. I have been a member on the tribal council, since January I have been a tribal representatives.

Mr. BENNETT. If I might add, she represents the Southern Ute Tribe at the agency, full-time, to meet all people who come to the agency to discuss matters that concern her tribe.

Mr. CHUMBRIS. That is fine. This plan you are talking about, is it in operation now?

Mrs. SMITH. No; it is not. It is in the process of being organized.

Mr. CHUMBRIS. It is in the planning stage; is that correct?

Mrs. SMITH. That is right.

Mr. CHUMBRIS. Do you hope to get it in effect by the time school is finished for the summer vacation?

Mrs. SMITH. That is right. We are trying to meet the deadline, you might say.

Mr. CHUMBRIS. Well, I must say that your project is an excellent one; it is one that the subcommittee is contemplating on a nationwide basis, all these youth camps, summer camps, CCC camps, or whatever you want to call them, and it is commendable to you and to your tribe that you have already put this plan into progress.

Mrs. SMITH. Thank you.

And we have another project for 6- to 12-year-old children; we are planning to set up day camps.

Mr. CHUMBRIS. Would you explain what a day camp is?

Mrs. SMITH. Well, they would come there from about 10 o'clock in the morning to 4 o'clock in the afternoon each day, and they would have a director who would be in charge, and they will participate in crafts, games, and swimming pools, and so forth.

They have plans for them to go to Durango on the bus, on scheduled days, to swimming pools, because that is the nearest public swimming pool that we have here.

Mr. CHUMBRIS. That is fine. Do you have any other projects that you would like to explain?

Mrs. SMITH. Well, we have a roller-skating project, too, set up for this summer. That is for the whole community. This is not only the Southern Utes, but this brings in the whole community, non-Indians also, and the Lions Club, and the Women's Club of Ignacio are taking part, they are helping us with that.

We thought that instead of just having it for the tribe, for the youngsters of the tribe, since they are going to be in public schools, that we might as well take in the whole community. They have agreed to pay for some of the services. The tribe will furnish the recreational equipment and director, and they will have membership cards, and they will participate along with the tribe.

Senator LANGER. Mr. Bennett, in view of the very fine progress that you have made, don't you think that you could invite two or three of the Navaho children to come and visit you this summer? [Laughter.]

Mrs. SMITH. We have teachers for our kindergarten children. We are taking them in, too, the little kindergarten children, and they go to school once a week. We intend to have them go every day this summer, but at present they are going twice a week—correction, please.

Mr. BENNETT. In answer to the Senator's question, I might say that we have 163 Navaho children for 9 months of the year, and we think that they should go home for a vacation the other 3 months. [Laughter.]

Now, in order to supplement Mrs. Smith's statement, the recreation program of the community is under the supervision of a 14-man recreation committee, including representatives from the local community, the tribe, and the Bureau of Indian Affairs, and as she stated, it is for the entire community, with the tribe furnishing the facilities, and non-tribal members paying for the use of the facilities, and an opportunity for indigent children is provided through the Lions Club and other clubs, because the feeling of the tribe is that they cannot settle the juvenile delinquency problem of their own juveniles to associate every day with the juveniles in the community right next to them. It must be something that is done for the whole group.

Mr. CHUMBRIS. Mr. Bennett, in view of your familiarity with the programs throughout the country on Indian reservations, do you know or any other reservations that have this progressive plan for youth camps and day camps?

MR. BENNETT. No, I don't. I don't have any personal knowledge. One of the features of the tribal program developed by the Southern Utes and the Ute Mountain people has been this emphasis that the families have to be taken care of before the land and the timber and everything else, and generally their program is patterned on an economic situation for each individual family, and once the families are happy economically, then they feel they will be more receptive to social programs.

The tribe felt that if you came in with those programs, and had poor housing and not enough to eat, that they would not accept it kindly, so consequently they are going at it from another approach, and trying to put them on a sound economic basis, after which they would be more receptive to some other subject.

MR. CHUMBRIS. I don't know what further will be brought out on this, but I know that this subcommittee will bring this to the attention of the Indian Bureau in Washington, and see that similar plans like this, if they are not already in effect on the reservations, that they should be established on all reservations.

SENATOR LANGER. I have known Mr. Bennett for some 5 or 6 years, and he has certainly been an outstanding worker on behalf of the Indian people of this country. Your work has been marvelous and outstanding.

MR. BENNETT. Thank you.

MR. CHUMBRIS. Who would you like to present next?

MR. BENNETT. Mr. Birch, would you like to add to what Mrs. Smith has stated?

MR. BIRCH. I think that Mr. Bennett has covered everything on our setup on the program.

MR. CHUMBRIS. Well, Mr. Birch, are there any particular problems on your reservation, problems such as were brought out this morning by Mr. Jones, dealing with loans, or by Mr. Parker from the Hualapai Tribal Council? Do you have any problems such as those on your reservation dealing with health, welfare, law and order, other than already explained by Mr. Bennett?

MR. BIRCH. No; I don't have any problems on that. It is all up to certain tribes, they have their own problems, I think. For my part of it, from my tribe, we have a certain setup that we work by. We have a plan that we are trying to put through, you know. We have not started very long ago, but it all depends on what money we will have. If we don't get the money, we will be handicapped, the same as Mr. Parker.

SENATOR LANGER. Do you have any problems—well, if you do have any problems, you take them over to Mr. Bennett, and he solves them for you; is that right?

MR. BENNETT. They don't bring any to me. They solve them themselves.

Now, in connection with this rehabilitation program, I might mention that on this family-plan basis, the tribe expended \$524,936 for the benefit of individual members of the tribe, of which \$394,576 went into home construction and farm development; \$77,300 has gone into insurance, savings, and investment; and \$43,500 has gone into repayment of debts of individual members, and their credit program has been entirely financed by their own tribal fund.

They have no obligations with the Federal Government whatever. At this time, if it is all right, I would like to ask Chief Jack House of the Ute Mountain Tribe to speak. It will be necessary that he speak through an interpreter.

The INTERPRETER. This is about education, law, and order.

I am interpreting what the Chief says, and on the Ute Mountain Reservation we have a fine educational setup there. Chief Jack House is very grateful. Chief House just said he is very glad to be at this hearing.

He says that the Indians are proud to have all of the tribes here and to discuss all of their different problems.

Now, about the liquor situation on the reservation, Chief House would like to say that he does not like the repeal of the Indian liquor law. He would like to have no liquor on the reservation.

Chief House would like to have no liquor throughout the reservation.

He is going to tell his people back home about what he heard done here at this meeting, he is going to tell that to his tribe about this liquor situation on the reservation among the Indians.

That is all he has to say now.

Senator LANGER. Reverend Crumb, would you like to say something?

Reverend CRUMB. Senator, I did not know whether he was through or not. I thought before they finished that I would like to recommend we give a rising vote of thanks from all those here today for Chief House, Mr. Bennett, and those who are here, and commend them for this plan that they have so ably discussed for us, and personally I recommend that you consider the possibility of not just taking his report to Washington, but to give a recommendation from us that we would give to you that Mr. Bennett be invited to Washington to personally present this program with the facts and findings to the proper authorities, so that they will know that we concur with the type of thinking being done, and that we think that the Nation as a whole should know about it.

We think that the whole Nation should know of the things that are being done by the Indians for the Indians in behalf of the United States of America.

Senator LANGER. I am in favor of that. We will all stand.

I might say that Mr. Bennett has been in Washington a great many times, and he is very welcome down there. He did a great job with the Department of the Interior. He is one of their most valuable persons, he is certainly a man whose testimony they value very highly. I hope you keep on coming down, Mr. Bennett. We like to have you come down.

As a matter of fact, he has been on a nationwide radio program at different times.

Mr. BENNETT. Senator, I would like very much to have Mr. Robert B. White, Jr., member of the Ogulala Sioux Tribe, who is rehabilitation director of the Ute Mountain Tribe in Colorado, give some facts on the program of the Ute Mountain Tribe, particularly in connection with the young people.

Senator LANGER. You may proceed, Mr. White.

MR. WHITE. Thank you, sir. I don't want to give the impression that we have all of these problems whipped, because we do not have. We have got a great deal of work to do. We do hope that the program that we have set up, and that the things we are working on, are steps in the right direction toward an over-all rehabilitation program.

I would like to tell you a few things now of how the tribal council of the Ute Mountain Tribe does their best to cooperate with the rehabilitation program in developing some of these little ideas that may help to cut down on juvenile delinquency.

The Ute Mountain Tribal Council feels that the negative approach to this juvenile delinquency problem, through our law and order department, is necessary, but also that a positive approach on this problem in the prevention of future juvenile delinquency is even more important, and what I mean by that is that instead of punishing them for offenses, and telling the offenders that they must not do this any more, that we also have a substitute worthwhile activities for those activities for which they get into trouble.

The tribal council has backed up an organization of young people of the tribe, the name of which is the Ute Mountain Indian Club Organization. This is made up of teen-agers and young men and women in their early twenties. The organization is based upon recreation for those people, and also in doing community service to the community of Towaoc.

They publish a little newspaper, a copy of which I will submit to the committee, which also may be attached to the report, possibly, that was given by Mr. Bennett.

Senator LANGER. Yes; that will be part of the record.

MR. WHITE. This little newspaper, we work in conjunction with this, and we try to publish some of the business that goes on in the tribal council meetings in order to better let the community know what is going on. The tribal council is just finishing a new tribal office building, one room of which will serve as a recreation center. It is small and inadequate at the time, but we hope that the Ute Mountain Club Organization will take hold and do a good job, and if and when they do, the tribal council has in mind building a larger recreational center.

In the field of sports last winter there was organized a basketball team that did very well for themselves, considering the fact that they were very unorganized, and this spring about 20 young men expressed a desire to the rehabilitation office that they would like to have a baseball club. The equipment was purchased, and the basic organization work has been done.

Representatives were sent to Durango, in Colorado, on one evening, where other interested parties from all over the San Juan Basin met to organize a league. This league will take up the whole San Juan Basin, and the Ute Mountain baseball club will also be a part of that league.

There is another thought in line with the substituting of worthwhile activities in place of those activities that just get our people into trouble, by having craft classes in the evening. We have already ordered the leather goods and beadwork goods to start the evening classes with in leathercraft and beadcraft.

We are preparing a room now to use as a room for these craft classes. Our desires have been submitted—or rather, our people's

desires have been submitted for a sewing class for young women, and the rehabilitation program will go along with that, and also try to get some of the mothers of the community to help in supervising it.

With the sewing class will be the program that has been negotiated with the Colorado A. & M. College through their extension services, whereby 1 man and 1 woman, through the county extension agent, will spend most of their time at the Ute Mountain Reservation.

The 4-H classes will extend into these sewing classes, and help give a reward for the activities in the sewing classes.

Other types of recreation are being planned for the future, but we are going slowly so that as the recreation program develops, as they are ready to have it develop, we will go head.

We feel that a full-scale program thrown in all at once would tend to confuse, rather than to succeed at the beginning.

Going back to the extension agent, we have already had the man who will be the extension agent for the Ute Mountain Tribe. He has submitted his proposed program for the calendar year 1955, part of which includes an extensive 4-H livestock program for young boys and girls.

Every Thursday evening, the boarding school also provides one evening of entertainment in the form of a motion picture, and anyone in the entire community may attend this movie. Recently, within the last 2 months, we have started an on-the-job training program in order to utilize the local labor force, and develop educational skills and leadership. We are embarked informally on the on-the-job training program. It is not all on paper yet. We are having reports made bimonthly, as these boys grow on their jobs, and before long this can be made a part of the written report.

Right now we have two boys in a maintenance shop learning mechanics. We have 2 boys training on heavy equipment, and 2 young boys on soil and moisture conservation.

Incidentally, these two boys on soil and moisture conservation are right now in Durango in the laboratory learning laboratory techniques in determining soil analysis.

We also plan to participate in conjunction with the Southern Ute Tribe in this little CCC program, or forestry, or whatever we are going to call it, and hope that that will also become a success.

As I say, these problems are not whipped yet, but we do hope that these are steps in the right direction toward cutting down juvenile delinquency on the reservation.

Mr. BENNETT. If the committee could spare another moment, Mrs. Smith has something else that she would like to say.

Senator LANGER. Go right ahead.

Mrs. SMITH. I forgot to mention some of the other plans that we have. We are remodeling one of our old buildings for a recreation club, and the tribe will furnish the equipment and a snack bar, and so forth, where the tribe can have their meetings, as well as using it for a recreation hall.

They also have a 4-H Club started along with their county extension. You see, our extension was transferred to the State, so we are working alone with them.

And we also have home demonstration clubs for the women. They have regular meetings.

A Boy Scout organization will be organized.

We also have a roping club. This is for members, just like the other plan. They go along with non-Indians, and they use our facilities, our reдео grounds, and they have their regular meetings every Sunday. They bought their calves, and they are helping us improve our fairgrounds. We work along with them, and that is for the older boys, so that it will give them better horsemanship and livestock grading.

We also have a mothers' club. That is an organization of the mothers, and they have their regular meetings.

We also have an Indian club which is the men's organization, and they carry on the traditional Indian songs and dances.

Some of our men and women have taken courses at the local college that we have at Fort Lewis, extension courses on home improvement and home beautification, and agriculture. They have all of that.

In the fall we have our Ute fair, where all of the organizations come together and compete with each other. We have a rodeo just like a county fair. Some of our members take part in the local county fair in Durango, Colo.

Now, that is the extent of our organizational work. Some of them we have already been doing for years, and some we are planning, and some we are hoping to carry on in the future.

Senator LANGER. Mr. Bennett, in your testimony, did I understand you to say you have 1,100 and 1,200 students? Is that right?

Mr. BENNETT. No, sir; the total membership of the 2 tribes is about 1,200. The number of children in the Ute Mountain Tribe of school age is 187, of which 176 are in schools; and in the southern Ute Tribe, 170, of which 164 are enrolled in the schools.

Senator LANGER. Do you think that the other tribes could adopt the plan that you have there?

Mr. BENNETT. Well, some of them could, but as you will notice from the figures, it takes money, and the Ute Mountain Tribe in their family plan has expended \$841,566 for the benefit of tribal members. The majority of this expenditure went to the development of farms and construction of homes, \$527,000, and \$225,000 has been invested in cattle, and \$66,046 in insurance, investments and bonds and savings.

But it is my personal opinion that any rehabilitation plan must be based upon the family. If the family does not have economic security, these large improvement programs, where they see money spent on the range, and so forth, while they sit in poor homes without enough to eat, they are not receptive to social development programs in that economic situation.

Reverend CRUMB. I would like to point out in the publication entitled *Smoke Signals*, the publication put out by the council, or the Ute Mountain Club, I notice this 3-bedroom home that is furnished to the Mountain Utes at Towaoc, and it is quite different in comparison to some of the homes testified to in the North Dakota hearings, where there were 15 persons in a family living in a 1-room shack, 15 people living in just 1 room.

Mr. BENNETT. Well, that was also true of the Ute Mountain Tribe until 18 months ago.

Mr. CHUMBRIS. Could you explain how you were able to overcome that?

MR. BENNETT. Well, the Ute Mountain and Southern Utes participated in a fund of \$31 million granted in 1950, and both of the Ute Tribes felt that in this program there was going to be something done for the families and, as a basis of their programs, they allocated sufficient funds so that there was a grant made of \$3,000 to each member of each family. This grant, however, was not a cash grant, but individual members in the families had to sit down with an advisory and tribal committee, and work out a family plan that would be acceptable to the tribe, and then they authorized the expenditure.

The housing was done on the basis of contracts let by the tribe. The contracts provided for construction under the desires of each individual family. In other words, they did not build the same type of house for every family. The houses are different, according to the desires of the family, and the contracts for construction involve 4 inspections by certified inspectors of the FHA, and involve 5 years of insurance in the original cost of the house, and then also the furnishings.

Through this rehabilitation of families we bring in other facets, such as insurance, electricity, and those things, which is pretty hard to explain if they don't have the houses for them.

MR. CHUMBRIS. Under this plan, did that make available jobs for the Indians, too? Were they able to get some of the jobs on this work?

MR. BENNETT. No, the construction was handled by the contractors, and most of the people who are working, the Indian people, are employed by the tribe. On the question of jobs, there wasn't much opportunity for them to work before they had this money, and now some of them are getting \$3,250, and others \$1,200 a year, so there is no need for work. By work, I mean the work of a common laborer.

Of course, they have tried to establish themselves in the cattle industry and other economic pursuits, rather than following the labor field.

Senator LANGER. Well, thank you. We will recess until 1:45.

(Whereupon, at 12:30 p. m., the subcommittee recessed, to reconvene at 1:45 p. m., of the same day.)

AFTERNOON SESSION

Senator LANGER. The hearing will come to order.

The subcommittee is very highly privileged to have as a witness the Governor of the State of Arizona, our old friend, Ernest McFarland.

Mr. McFARLAND. Thank you.

Senator LANGER. And I know that Senator Kefauver will be very happy indeed to know that you are so deeply interested in this problem as to take the time from your many duties to come and testify before us. It is very fine to have you here, and I thank you in behalf of the full committee.

STATEMENT OF HON. ERNEST W. McFARLAND, GOVERNOR, STATE OF ARIZONA

Mr. McFARLAND. Thank you, Mr. Chairman.

Primarily I wanted to come here and extend to the chairman, Senator Langer, a hearty welcome, and to thank him for taking the

Mr. CHUMBRIS. Do you have a prepared statement that you would like to present to the subcommittee?

Mr. CHINO. We have a prepared statement, but we feel what is contained in our prepared statement is very much related to the juvenile delinquency, so we would like to present our prepared statement.

Mr. CHUMBRIS. Fine.

Mr. CHINO. This more important problem of juvenile delinquency in the United States is one that has given the Mescalero Apache Tribe, and the Indian Service, cause for much thought. The commonly accepted thesis that an adult is only the reflection of his environment and opportunity as a child, can only be reiterated by us. We believe it most thoroughly and that is why we are very much concerned over this problem and why we recognize the importance of the hearings being held here in Phoenix today by this honorable body.

Senator LANGER. There is no hurry about things. You have got all afternoon and all night, and all day tomorrow so just take all the time you want.

Mr. CHINO. All right, Senator.

As you gentlemen probably already know, the Mescalero Apaches were the last of the Apache groups to take the war path against the United States Army. We shall neither try to justify the late entry of our group into these wars, or to comment on a possible advantage or disadvantage that accrued from such action. It is still evident that the subjugation of our people at that time, and their enforced stay upon reservation areas at Fort Stanton, and later back to their homeland, had many serious effects upon the tribe and upon the people.

The Apaches were nomadic in the sense that they had no housing facilities built on a permanent basis. It is true that their nomadic characteristics did not carry them beyond definite ranges but that they did follow the migration of the game upon which they lived, and harvested crops from various native plants over a fairly wide area.

Such nomadism built definite patterns of leadership and family relationships and with their confinement to very limited areas, these old patterns were put to a very severe test.

The idea of a continued standard in a culture such as Apache, when viewed by men of another culture, were disturbing and great pressures were employed to forcibly change the Apache way of life.

The old feelings of freedom and personal security were gone, and for many years it must have looked to the old Apaches that their only hope was for a continued Government dole, and fear of what might happen if they did not obey implicitly the will they were subjected to.

As we look back, it seems evident to us that many alternative courses of action were available, but there are bright aspects to the picture, and we may marvel that some of the men who were placed in control over us helped us in every way they could to prevent consequences that could only mean distribution of the tribe and of the people as individuals.

In the old way of life, every member, the warrior and the hunter, though the old people and the children all had a most important part in winning an existence from a not altogether sympathetic Nation, people were important to the family unit, to each other and to the tribe, because all furthered a common existence.

With enforced confinement to small areas, and a radically changing pattern for the basic economics of living, many things happened.

I mean, if the Federal Government will perform the duty that it owes to the Indians, then the States will be able to pick up, but first, I don't want to see the Federal Government try to get out from under its responsibility of rehabilitating the Indians.

Now, we will come down to your specific problem. If you will give to these boys and girls, and help give to them the opportunities which they desire of going to school, and giving to them the same opportunities that are accorded to many, many others, I think you will find that this delinquency problem will be at a minimum.

So that is about all that I would have to say to you here today. I don't think that you want to see, and I know that I don't want to see, the Federal Government try to get out from under its responsibilities, and that is particularly true in regard to the Indians, to the Indian children of our State, and the Indian children of the Prairie States.

Now, if there are any questions that you want to ask me, I will be happy to try to answer them. I did not come here with any prepared talk, and I just wanted you to know that I do appreciate your coming, and that is the primary object of my being here.

Senator LANGER. The subcommittee is delighted to have your views, we are very, very glad to have them.

Mr. McFARLAND. Thank you very kindly. If I can be of any service, do not hesitate to call upon me.

Senator LANGER. All I can do is to wish you godspeed and hope that God will bless you. You have a wonderful administration, and I know that you will make the same kind of record that you made out in Washington for the people.

Thank you for coming over.

Mr. McFARLAND. Thank you.

[Applause.]

Senator LANGER. Call your next witness.

Mr. CHUMBRIS. Is Wendell Chino here, the president of the Tribal Council of the Mescalero Apaches?

And also Mr. Walter Olsen, the superintendent.

Is there anyone else that you have with you in your delegation, Mr. Chino? If so, will you please bring them with you.

**TESTIMONY OF WENDELL CHINO, PRESIDENT, TRIBAL COUNCIL,
MESCALERO APACHES, ACCOMPANIED BY WALTER OLSEN,
SUPERINTENDENT**

Mr. CHUMBRIS. Will you please state your full name, your address, and your official title for the record?

Mr. CHINO. The name is Wendell Chino. I am the president of the business committee of the Mescalero Apache Tribe. The business committee is the governing body of the reservation.

Mr. CHUMBRIS. Will you please identify those who are here with you?

Mr. CHINO. First, Mr. Fred Palmen to the extreme left is a member of the subcommittee on law and order.

Mr. Bernard Little to my left is chairman of the law and order subcommittee, and Bernard's brother, Andrew Little, is a member of the council who in times past has served as an Indian judge.

Then we have Mr. Olsen, the superintendent. We could not leave him behind, so we brought him along.

time out of a busy career to come and be with us, and to listen to some of our problems in our great State.

I am happy to be able to say that the chairman is one of my very closest and best friends, and that I have worked with him, and he has worked with me on many problems.

I always said that he would be a little better if he were a Democrat, but I never had any choice about that. He made his own decision. And he is a Democrat in a lot of ways.

But I do want to say this: That most of the affairs of the Senate are not along political lines. There are some issues that are political, but when it comes to the things that are for the benefit of the West, and particularly for the benefit of our friends, the Indians, we did not know, when I was in the Senate, any party lines.

I was on the Interior and Insular Affairs Committee. I do not believe that you were on that committee, Mr. Chairman.

And the chairman would come around and say to me that you were on that committee, and that he did not want me to forget the North Dakota Indians. I was told to just be sure to give them the same consideration that I gave the Arizona Indians, and that we always tried to do. The Indians did not have any better friend in the United States Senate than Senator Bill Langer. He was always willing to do the things that would help in that rehabilitation.

I just want to say this to you, Mr. Chairman, as I say, my object in appearing here is chiefly to extend to you a welcome, and to thank you for your consideration of our problems; I want to say this to you—I understand that you are here chiefly in regard to juvenile delinquency, and I want to say that so far as the Indians of Arizona are concerned, they are, as a whole, good, law-abiding citizens.

I would put it this way, in regard to the Indians, as well as in regard to the whites, that our chief duty should be that of prevention of delinquency more than taking care of the delinquents.

Now, do not misunderstand me, I believe in rehabilitating the boy or girl who becomes delinquent, but I think that if we chart our course properly, and make our plans as they should be made, we will not have the same percentage of delinquency.

The Indians of our State are intelligent people. They are just as capable of receiving a good education as the rest of our people are, and what they primarily want, as I understand it, is an opportunity to take their places in life, the same as anyone else.

Now, there is one thing that has made that difficult for them to do, and that is that a large percent of them have been on Indian reservations, and those Indian reservations are not adequate for them to make a good livelihood. I personally feel that the Federal Government, as you well know, I need not repeat my views upon this subject, because you know them, you have heard me make them on the floor of the United States Senate many times, and before our Interior and Insular Affairs Committee, but I do feel that the Federal Government owes to the Indians the duty of rehabilitating them.

There are some in Congress who would like for the State to assume all of that obligation. Now, the State of Arizona, and I think that I may at least to this extent speak for you, the State of North Dakota, and many of the other States, are not financially able to assume those obligations.

Children and old people were no longer economic assets, but became economic liabilities. Continued close living raised many conflicts that could not be adjusted according to the old patterns. The very reasons for being seemed to recede into a hazy mist. The new religion they were offered was not always understood and therefore could not offer them the hope and comfort they were designed to offer for other cultures and other economics. Many old religious practices were, and are, continued.

Among the errors made was the policy followed for old people. Outsiders looking at the problem decided the solution for the old folks was the building of a separate village, which is still in existence on our reservation, and is called the Old Folks' Village. This change undoubtedly accelerated the problems of the home and of child care because traditionally the old folks cared for the young children, while the mothers and fathers were busy doing the hunting, the gathering of wild crops, the securing of wood, and other necessities.

Twenty years ago most of our people lived in wickiups, brush arbors or tents. At that time the Government and the tribe joined in a house building program and in those 20 years the Mescalero Apaches took full advantage of the opportunity to live in houses. Houses are now much in demand if properly located. While some houses are vacant, the only reason for such vacancies is that original placement of these houses was predicated upon the Apaches becoming farmers.

With the beginning of World War II, the living pattern of not only the Apaches, but of the whole United States underwent a tremendous change. Wage labor became the rule and it was necessary, if you were to work for wages, that you be quickly available to any possible employer. This brought about a shifting of many people from isolated areas, to those areas where good communications were available, and some houses were abandoned in the process. So again we see a picture of some people living in wickiups, brush arbors, and very substandard war surplus trailers.

The houses themselves which, at the time, were considered to be adequate, are no longer so.

Senator LANGER. Pardon me a minute there, sir.

I understand that the speaker of the house of representatives just came in and we would very much like to have you come up and sit at the table. We are highly honored to have you come here and we will be glad to have you sit up here at the table with us.

All of the experience you have had in presiding over the branch of the Legislature of Arizona certainly entitles you to be here with us. You certainly would not feel at home sitting back there.

The SPEAKER. I certainly appreciate your inviting me and I came in to learn how it was being done in the Senate.

Senator LANGER. We certainly are glad to have you here. Do you want to testify? You know, you cannot find how it is done unless you testify.

The SPEAKER. I will stand on the fifth amendment. [Laughter.]

Senator LANGER. I am sorry for the interruption. Will you proceed, please?

Mr. CHINO. Most homes now have electricity, and most Mescalero Apaches would appreciate the opportunity of having running water in the home with the additional facilities of inside toilets and baths,

but because of the severe overcrowding in homes, it is not possible to modernize them.

Legislation passed to facilitate better housing for the country as a whole never became available to the Mescalero Apaches because of the trust status of their land. This trust status is most important to the well-being and security of the people and attempts to secure modifications in the law have not met with success. Therefore, almost no new homes have been built since the tribe and the Government implemented the first construction program in 1936.

The number of families have increased; the number of housing units have not. Consequently, most homes have 2 families living in small 2-bedroom houses.

The old Apache pattern of the new son-in-law moving into the family of his wife has been preserved to a considerable extent, but the old safeguards of too close an association with one's mother-in-law has gone by the board. While we fully agree that mothers-in-law are most necessary, difficulties have arisen leading to broken homes and uncared-for children, because of this situation of overcrowding.

Senator LANGER. Did you say mothers-in-law?

Mr. CHINO. Yes, sir.

Senator LANGER. They made you a lot of trouble, did they?

Mr. CHINO. Yes, sir. [Laughter.]

In those earlier days when education became available to the Mescalero Apache children, it was made available on the basis that those children should be transformed in the space of a few short years from an Indian culture to a non-Indian culture.

This had many grave consequences but it was somewhat modified when the policies of building schools on the reservation were implemented. These schools originally were boarding schools and while the attempt to change the entire pattern of living still went on, the child was close enough to home so that he kept his home ties intact, and was not nearly in as much danger of becoming a frustrated individual between two cultures as he was when removed hundreds or thousands of miles away from his home.

Another big change in policy came with the day school, or community school, where children went to school all day, were furnished a school lunch and returned home at night. This pattern was essentially good, but because great damage had already been done to the family structure, a most difficult period of adjustment was entered into in attempting to reestablish the child in his home.

At present an attempt is being made to transfer all of the educational responsibilities to the State, and children from Carrejo and Whitetail communities, numbering about 80, will sometime this winter all be attending the Ruidoso Public School. For 6 years past the children from Carrejo have been attending this school and the school district has been provided with enough money under Public Law 815 to build a complete new schoolbuilding to provide educational facilities that will be large enough to include Indian children.

The Mescalero and Elk Silver communities are to be transferred to the Otero County school system, if a building application for building funds under Public Law 815 is approved.

Children who wish to attend high school living either in Mescalero, Carrejo, or Three Rivers can be bused into Tularosa, and some 8 or

10 children are availing themselves of this opportunity. Many of the others who do not have available transportation find it necessary to go to available mission schools or to facilities provided by the Indian Service at Albuquerque and Santa Fe.

The public schools at Tularosa no longer provide noon-day lunches, and this constitutes a serious handicap to the children attending there, because in many Apache homes the amount of groceries available at any one time is very low and lunchmaking becomes a very major problem.

We imagine from reading the record, and from what our old people say, that the preservation of law and order was oftentimes a very trying experience. At first, law and order was enforced to a considerable degree, by the United States Army with soldiers from outside the tribe. Then a policy of recruiting soldiers and policemen from within the tribe was followed and in later years, the tribe assumed the responsibility for a court, and the financing of tribal police. This latter change came about in 1936 when the Federal Government granted a charter of incorporation to the tribe. This charter remains today as a basic document and guide for tribal development.

In addition, a constitution was developed setting up the form of tribal government after the pattern of the United States system. It provided for a tribal court. The judges were to be selected by the people of the tribe. At the same time, a code was developed by which the judges were to administer law and order to the people.

We believe that this constitution and code are no longer applicable to our stage of development, and plans are underway to change them to a form that will better meet our needs.

But getting back to law and order, even though the tribe financed the law-and-order program, it was only within the past 2 years that actual control has been transplanted to the tribe. We believe we see a great deal of improvement since the time the transfer was made. We believe that old resentments that were kept alive by what was considered as interference have been lessened a great deal.

The enforcement of the judgments of the tribal court have greatly improved and we firmly believe that our people now think of law and order as their program, and not someone else's and because it is so, there is a greater willingness to participate in enforcement, and to give group controls a better chance to operate.

We give you this background because we feel that all the things we have called to your attention have had a definite place in the present problems, and especially emphasize those that deal with juvenile delinquency. We would say that major problems we have mentioned that directly affect delinquency, include lack of proper guidance in the home, discipline, either too severe or completely lacking, irregular patterns of living, that result in parents being away from home and not providing care, and failure to provide food and clothing to the children on a regular basis.

We do not wish to infer in any way that parents do not love their children, because, when there are means, the children fare well; otherwise they suffer. When there are no jobs, child care suffers tremendously, and results in malnutrition, irregular attendance at school, and acts of delinquency.

The drinking of alcoholic beverages in excess quantities is now a problem and has been from the beginning of reservation times. Al-

coholic beverages were not new to Apaches, and within their old way of life, proper control measures were exerted, but with their breakdown, drinking became many things to many men. Drinking became a way of drowning one's sorrows or of forgetting the problems that appeared insurmountable, and while we do not believe the withdrawal of the prohibition against selling liquor to Indians in itself materially increased the amount, we do feel that the present situation of a bar just outside the reservation line designed primarily to furnish liquor to our people has been a very bad thing.

While recreation facilities are not absent, neither are they adequate in furnishing activities and pastimes that will channel excess energy into nondestructive ways.

The school is almost void of playground equipment. The tribe for several years past has purchased baseball equipment which is used by the older teen-age and younger men's groups. This has been of great value but has not offered very many opportunities for younger children, or for girls to engage in sports and activities, leading to better health and better lives.

In the last year, two 4-H Club groups have been established. Some sport equipment has been secured through donations from outside groups.

A Boy Scout group is being reorganized and the teen-ager church groups provide young people's programs that have been intensified to a considerable degree in the past few months. Because of the rather limited number of people involved, it is difficult to finance shows or other evening entertainment on a group basis. Transportation also becomes a problem.

The Government and the tribe are working toward the solutions of these multitude of problems, and while we believe definite progress is notable, or, rather, that it is noticeable, we also believe we have a considerable ways to go.

Senator LANGER. Mr. Witness, when did you first acquire land in the United States, your tribe?

Mr. CHINO. Well, we had it when the United States was formed.

Senator LANGER. My understanding was that your tribe consisted of refugees from Mexico; is that right?

Mr. CHINO. That is only part of the truth.

Senator LANGER. What is that?

Mr. CHINO. I say, that is only part of the truth.

Senator LANGER. Only part is true? What part is true and what part is not true?

Mr. CHINO. Well, we have the Mescaleros, the present Mescalero reservation, who are natives to our reservation, and we have a group of 40 people, I would imagine, who came from Mexico, who are also now members of the tribe, and of course, the Cherokees, who are also now part of the Mescalero Apache Tribe, who came over from Arizona, or what now is presently Arizona.

Senator LANGER. Well, the Sioux Indians in North Dakota tell me that of all the tribes they had to fight, that your tribe was the toughest; is that right?

Mr. CHINO. We like to think so.

Senator LANGER. That is your reputation; isn't that right?

Mr. CHINO. Well, of course, we are proud that we, as a tribe, as an individual tribe, have never entered into a treaty with the United

States, so we have not given anything up to the United States, because we have never entered into a treaty with them.

Mr. CHUMBRIS. Mr. Chino, I understand that you have quite a background, that you are a graduate of a university?

Mr. CHINO. Yes, sir, of the Western Theological Seminary.

Mr. CHUMBRIS. When was that?

Mr. CHINO. 1951.

Mr. CHUMBRIS. 1951?

Mr. CHINO. Yes, sir.

Mr. CHUMBRIS. And since 1951 what have you been doing?

Mr. CHINO. I became connected with the business committee a year after I came out of school, so that I am now serving my second term on the business committee, and a 2-year term of the 4 years that I have been on the committee for 3 years now, I have been chairman of the business committee.

Mr. CHUMBRIS. Well, you have practiced ministry also, haven't you, since you left school in 1951?

Mr. CHINO. Yes, sir.

Mr. CHUMBRIS. Where?

Mr. CHINO. On the Mescalero Reservation.

Mr. CHUMBRIS. How long a time did you do that?

Mr. CHINO. I still practice it, whenever I have the opportunity.

Mr. CHUMBRIS. And you are on leave while you are chairman of the committee?

Mr. CHINO. I am on a leave of absence to give whatever time and ability that I might have to give to my tribe.

Mr. CHUMBRIS. Yes. Well, with that background, that gives you an excellent opportunity to lead your people; is that not correct?

Mr. CHINO. Yes, sir.

Senator LANGER. How many members have you in your tribe?

Mr. CHINO. About 1,167.

Senator LANGER. Eleven hundred sixty-seven?

Mr. CHINO. Yes, sir.

Senator LANGER. Have you any relation at all to the Aztec Indians in New Mexico?

Mr. CHINO. No, sir.

Senator LANGER. What is your connection with them?

Mr. CHINO. None.

Senator LANGER. None at all?

Mr. CHINO. None at all.

Mr. CHUMBRIS. I believe in the statement that you did not have any statistics as to law and order. Do you have that on a separate form?

Mr. CHINO. Yes, we have statistics on law and order.

Mr. CHUMBRIS. We would like to have you submit it for the record.

Mr. CHINO. All right.

Mr. CHUMBRIS. You have been here this morning and you have heard some of the problems that were raised. Could you please state to the subcommittee some of the problems that your people have in the direction of either education, relocation, employment, inability to obtain loans, inability to obtain good housing, other than you have already stated in your opening statement?

Mr. CHINO. I have already pointed out the fact that some members of the tribe could not qualify for the FHLA loans, because of the trust status of the land.

Senator LANGER. Now, just wait a moment. You never made a treaty with the Government, you say?

Mr. CHINO. That is right.

Senator LANGER. Are you then citizens of the United States?

Mr. CHINO. Yes, sir.

Senator LANGER. When did you become citizens?

Mr. CHINO. Well, under the 1924 act.

Senator LANGER. Under the Coolidge Act in 1924?

Mr. CHINO. Yes, sir.

Senator LANGER. Very well. How could you, if you were refugees or expellees from Mexico, how could they become citizens?

Mr. CHINO. Well, now, I have already pointed out the fact that not all of the members of the tribe are refugees, only a small portion of the Mescalero Tribe membership are refugees. Of course, since then they have increased.

Senator LANGER. What portion came from Mexico?

Mr. CHINO. Well, I said about 40 people came from Mexico.

Senator LANGER. I understand that was a long time ago?

Mr. CHINO. Yes, sir.

Senator LANGER. What year was it?

Mr. CHINO. In 1905, or 1904.

Senator LANGER. And under the Coolidge Act, they became citizens?

Mr. CHINO. That is right.

Senator LANGER. Those 40?

Mr. CHINO. Yes, sir.

Senator LANGER. That was not my understanding of the Coolidge Act.

Is the assistant attorney general here? I wonder if I can get your interpretation as to whether they are citizens of Arizona, that portion of the tribe that came in as refugees, escapees, and expellees?

A VOICE. I am the assistant attorney general here in Arizona, so I would not know about that.

Senator LANGER. Mr. Chumbris, you ask the attorney general of New Mexico about that tomorrow. It is rather difficult for me to see how a group of people who were driven out of Mexico, coming in here and being refugees, escapees, and expellees, could become citizens.

Mr. TRUSWELL. I don't think they did. It was only those who were born in the United States who became citizens.

Senator LANGER. That is my understanding of it. Certainly those people who came in, under the Coolidge Act, they could not become citizens. In any event, it is only a small portion anyhow.

How many of your boys were in World War II?

Mr. CHINO. 132.

Senator LANGER. And are they having any trouble getting GI benefits?

Mr. CHINO. Yes, sir; especially with loans that will provide housing. We had some difficulties in getting loans for veterans who otherwise could get them if they did not have this status.

Senator LANGER. What did the 132 do? Did they get GI benefits to go to college or didn't they?

Mr. CHINO. Most of them returned to the reservation, and they are either employed on the reservation, or some of them have recently been relocated under this relocation program.

Senator LANGER. Mr. Truswell, are you with this tribe here?

Mr. TRUSWELL. No, sir.

Senator LANGER. Is the solicitor for the Phoenix area here? Is your solicitor here with you, Mr. Chino?

Mr. CHINO. No; we don't have any local attorney at the present time. The tribe only has a claims attorney.

Senator LANGER. Does the Indian department make any distinction between your tribes and other tribes that are here?

Mr. CHINO. No.

Senator LANGER. You are sure of that; that they treat you all alike?

Mr. CHINO. That is right.

Senator LANGER. Proceed, Mr. Chumbris.

Mr. CHUMBRIS. Now, on this relocation program, the boys who have gone to other cities to be relocated, how are they progressing?

Mr. CHINO. Let's see; our boys left about a month ago and, according to current reports, most of them are doing very well.

Mr. CHUMBRIS. The record shows that in North Dakota about 30 percent have returned to the reservations, and that seemed to be fairly the same average throughout the country. I believe you have not had your relocation program in effect long enough to determine how many stay and how many return to the reservations; is that correct?

Mr. CHINO. That is correct.

Mr. CHUMBRIS. Now, you heard the statement made this morning that our subcommittee has recommended a direct loan from the Federal Government to the Indian people for housing and for cattle raising and for the development of their farms and their ranches, which would be similar to the direct loan program for the veterans. How do you feel about such a plan?

Mr. CHINO. I would heartily endorse the program.

Mr. CHUMBRIS. It would wipe away the restrictions that you now have in obtaining those loans; is that correct?

Mr. CHINO. That is right.

Mr. CHUMBRIS. In other words, you cannot obtain a loan because the title is not fully vested in you?

Mr. CHINO. That is right.

Mr. CHUMBRIS. Because of the fact that you have inability to obtain the proper security or so the banks state; is that correct?

Mr. CHINO. That is right.

Senator LANGER. Have you any land at all?

Mr. CHINO. As an individual, no; all of the land within the boundaries of the Mescalero Apache Tribe is tribally owned.

Senator LANGER. Are there any individuals owning land at all in your tribe?

Mr. CHINO. No individuals on the Mescalero Apache Reservation, no individual owns any land at all. Of course, there are some lands within the reservation that are fee patent land belong to non-Indians.

I would like to say that, for our tribe, we need a very good hospital. Our present hospital is pretty delapidated and we have been crying for

a new hospital for a long time. That is one of our biggest needs, the need for a good hospital.

We also feel the need for an intensified field health program. We feel, too, that we need an additional relocation fund.

I agree with, I believe it was the law enforcement officer from the Navaho county, that there is a need for a Federal nonsupport law, a law that will help, not only the Mescalero Apache Tribe, but other tribes, I am sure, to extradite some of these Indians who have responsibilities at home, but have taken off for urban centers for jobs and so on.

Mr. CHUMBRIS. Senator Langer introduced a bill in the last Congress which Congress has not yet seen fit to pass, and it has been re-introduced, and we had a hearing on it several weeks ago, on just that very bill, to prevent these runaway fathers, which is a common term that is used for such action by the fathers who run away and leave their children and wives behind without proper support, so that that bill is pending before the Congress.

Senator LANGER. How many acres have you?

Mr. CHINO. Approximately 460,000 acres.

Senator LANGER. Does that land join Mexico?

Mr. CHINO. No, it does not; I was thinking of the State, at first.

Senator LANGER. How far is it from Mexico?

Mr. CHINO. I would say approximately 100 miles.

Senator LANGER. Now, if an individual does not own any land, how can he get an FHA loan?

Mr. CHINO. Well, they never have.

Senator LANGER. I know they haven't, but what do you recommend as to how he is going to get it? Here is an Indian who wants to start farming and he wants an FHA loan. What legislation would you suggest?

Mr. CHINO. I believe that there is a need for special legislation to provide for such a thing.

Mr. CHUMBRIS. Mr. Head, I think, will try to make an explanation on this point. He is the area director of the Gallup area.

Senator LANGER. Could we have it now?

Mr. HEAD. Yes.

First, I would like to correct this impression that these people are Mexicans because they are not.

Senator LANGER. They are what?

Mr. HEAD. They are not Mexicans.

Senator LANGER. They are not Mexicans?

Mr. HEAD. No, sir, they are North American, they are United States Indians. Now, why that impression has grown up, I think, is when that reservation, as in many of these other southwestern reservations, was established, the line was very fluid, and they hunted and went back and forth across, but they are not from Mexico, they are from the United States.

Senator LANGER. What about these 40 that Mr. Chino spoke of?

Mr. HEAD. Well, those 40 are people who moved in after the line was established. Now, those 40 that he is talking about that are of Spanish or Mexican blood are second generation Americans and I think that is a point that we want to keep very clear in our minds,

because they have all the rights of any other American citizen under the Supreme Court decision of 1924.

Now, on the loans, I think your problem is one there that probably will require a Government guaranty of some type or direct appropriations for a loan program, for people on tribally owned land. They have the same problem as many other tribes have that do not have sufficient funds of their own, Senator, with which to establish a fund.

Senator LANGER. How do you handle this 436,000 acres? Is that community property?

Mr. HEAD. Yes, sir; that is managed by the tribe, it is trust property.

Senator LANGER. How many head of cattle have they on it?

Mr. HEAD. They have one of the finest tribal cattle associations in the country. How many do you have, Mr. Chino?

Mr. CHINO. We figure about 8,000.

Senator LANGER. How much money do you get per family from the Government?

Mr. CHINO. From the Government? We don't receive any Government handouts.

Mr. HEAD. Do you mean how much money they get individually?

Senator LANGER. Individually, yes, from the Government.

Mr. HEAD. From the Government?

Senator LANGER. Yes, from the Government.

Mr. HEAD. Not 1 penny.

Senator LANGER. How do you divide the profits?

Mr. HEAD. The mechanics of the association—or, rather, the members of the association, divide that, and the members of the association are the Mescalero Apaches.

Senator LANGER. How do you arrange that? Is there any land that is leased to white persons?

Mr. HEAD. No, sir, every foot of their land is used by the Mescalero Apaches themselves.

Senator LANGER. Do some of these Indians own a definite number of head of cattle, or are they also owned in community property?

Mr. OLSEN. The cattle are individually owned, and the ownership varies from 5 to 30, 40, or 50 head, for the bigger owners.

Senator LANGER. Why can't they get loans on those cattle?

Mr. OLSEN. They can, but not to buy a house with, which is their main problem, whether it is a Veterans' Administration or an FHA loan, in those two cases, you must have clear title to your land under the present law, and they don't have that on an individual basis.

As to farm security loans, they have so far not been able to get them, and there is a demand in New Mexico.

Senator LANGER. Well, here is a fellow who has got 20 head of cattle, and he cannot get a loan.

Mr. OLSEN. Not to build a house. They have a very good relationship with the bank.

Senator LANGER. Well, an individual banker in New Mexico?

Mr. OLSEN. That is right.

Senator LANGER. But they don't get any loans from Government agencies at all?

Mr. OLSEN. On the Government loan program over the past 20 years the Mescaleros have borrowed some \$200,000, all of which has been paid back, with the exception of 1 loan, and I think it is about

\$150, and there is some disagreement over whether that was paid or not.

Senator LANGER. Why can't they keep on getting these loans from the Government at a low rate of interest?

Mr. OLSEN. I don't think that there are loan funds available in the Indian Service for housing.

Senator LANGER. I am coming back to the cattle loans. What interest rate do these banks charge you. what rate of interest do you have to pay for a loan?

Mr. CHINO. It is either 6 or 8 percent.

Senator LANGER. You pay a higher rate then than you would pay to the Government, in other words, when you get those loans from the Government, you paid a lesser rate, didn't you?

Mr. CHINO. Yes, sir.

Senator LANGER. Mr. Olsen, why did the Government stop making the loans, do you know?

Mr. OLSEN. No; I am not sure, Senator, why that was done. I presume that the limited amount of loan funds that were available to the Indian Service were used in other places.

Senator LANGER. Well, why should these Indians be compelled to go to a bank and pay twice as much interest when they could make a loan from the Government?

Mr. OLSEN. Senator, I won't try to justify the Government's position, but I might try to explain it.

Senator LANGER. Very well.

Mr. OLSEN. In some cases, I think this borrowing from a bank is perfectly all right. The Mescaleros have come a long ways in a short while and they are fitting into the general economy. There are no banks that I know of that will loan sufficient money to build a house, and this is their crying need, this is the big need that the Mescaleros have.

Senator LANGER. But they borrowed \$72,000 from the Government and they paid it all back but one loan, which is in dispute?

Mr. OLSEN. Yes, sir.

Senator LANGER. They have a fine repayment record, and I would like to know why this loaning program was stopped to these Indians.

Mr. OLSEN. I could not answer that, sir.

Senator LANGER. When did it stop, what year?

Mr. OLSEN. It came in one major loan in 1936 and all of the housing was built at that time. Since then there have been no loans made on this basis.

Mr. CHUMBRIS. Senator, we have an expert here who will testify.

Will you give your name and your address, and your capacity, please?

Mr. BINGHAM. I am Stephen Bingham, of 1105 East Indian School Road, Phoenix, Ariz. My official capacity is area loan examiner for the Phoenix area.

The Senator made a statement that all lending had stopped. Theoretically, it has not. The revolving program is still in existence. However, the policy has materially changed in the past 2 years.

Senator LANGER. In the last 2 years?

Mr. BINGHAM. Yes; and it is a matter of policy issued by the central office. The policy is to try to put the individual Indian on a par with

the white citizen, in order to have the individual look to the same source of credit as the white citizen does.

Senator LANGER. Well, white people borrow money from the Government at a low rate of interest, and they can borrow it on cattle, so why should these people be compelled to go to a bank and pay twice as much interest?

Mr. BINGHAM. Again, as I say, it is a matter of policy determined by the Washington office. In the past 2 years, the policy has radically changed, and the interest rate has changed to a variable rate, which varies anywhere—

Senator LANGER. It is getting higher. The veteran has to pay more if he gets a house for an FHA loan—the FHA loans have gone up and the REA loans have gone up.

Mr. BINGHAM. We are not disputing that fact, but it is a matter of policy issued by the Washington office. I am trying to offer an explanation for it. The rate of interest has changed from an individual rate of approximately 3 percent to anywhere from 4½ to 6 percent, depending on the type and the purpose for which the loan was issued.

Loans for capital investment in the way of land or housing purchases, the rate is 4 or 4½ percent; to strictly operational or non-recurrrable items, the rate is 6 percent.

Then we have an in-between category of 5 percent on recoverable items, such as farm implements.

Don't think that the variable interest rate is not troublesome to the field. On 1 loan you have 2, 3, 4, or 5 notes, on one single loan, and you have interest rates varying from 3 to 6 percent. Under the past policy, it was to the advantage of the individual Indian to go to the tribe or to the Government for a loan because of the low rate of interest. An Indian has got a good head on him, just as well as anyone else, and he can see the advantage of paying only 3 percent on a loan as compared to 6 or 8 percent at a bank. I believe that has been one factor behind the change of policy in the Washington office to raise the interest rates, so that it would not be too much in the way of a differentiation as to where the Indian would get his loan from.

Senator LANGER. You are from New Mexico?

Mr. BINGHAM. No, sir; I am from the Phoenix, Ariz., area office.

Senator LANGER. What States in the area have been declared a disaster area?

Mr. BINGHAM. I understand that a few counties in Arizona have been declared a disaster area in view of the drought situation.

Senator LANGER. They used to get money at 3 percent, and it was raised to 5 percent a few months ago. Even the white man has to pay 5 percent now under the disaster loan.

A fellow who was flooded out completely and lost everything used to get it at 3 percent, and now he has to pay 5 percent. Is that the policy you were talking about, to raise interest rates on everything?

Mr. BINGHAM. Yes; and I would like to point out that that policy, as issued by the Central Office, was adopted in order to try to put the revolving program on an economical basis. Apparently it has not been economically successful in carrying tribal programs under the low rates of interest charged by the tribes.

I would like to give you a little background on the revolving credit program, Senator.

SENATOR LANGER. Go right ahead.

MR. BINGHAM. It was established in 1934 under the act of June 18, and a little further on, under the act of June 26, 1936, and a total of \$12 million was appropriated for the revolving credit fund purposes. This money was to be loaned at a low rate of interest to tribal organizations for relending purposes to individuals and to those individuals whose tribes were not eligible for loans from the revolving credit fund, which at that time was restricted to tribal organizations under the Wheeler-Howard Act.

To take care of those individual Indians, direct loans would be made to them. As a result, tribes borrowed money from the United States at 1 percent and in turn reloaned that money to individual members at 3 percent. Theoretically, and technically speaking, the tribes were to assume the supervision of their lending program under an approved plan of operation. By that, they were to take care of the accounting, to follow up the supervision, with concurrent expenses. In any lending program, whether governmental, individual, outside business, or tribal, there are bound to be certain losses. It was found that 3 percent would not cover these losses.

SENATOR LANGER. How much did they lose out of the \$12 million?

MR. BINGHAM. I could not answer that question. The rate of loss, so far as the Bureau is concerned, has been exceedingly low.

SENATOR LANGER. Well, he says that they paid back the whole \$72,000 that they borrowed.

MR. BINGHAM. That is true; that is all true of any number of tribes, that is also true of any number of tribes.

SENATOR LANGER. How much did you lose out of the \$12 million?

MR. BINGHAM. I could not speak for the Service as a whole. As I say, the percentage has been very, very, small. Possibly that may not be a true picture, when I say a very small percentage due to the fact that a loan is not considered a loss until it is actually written off, and, as you well know, Government red tape takes a considerable number of years to write off a loan that is owed to the Government.

Within this area, that is, the Phoenix area, involving Arizona, Nevada, and Utah, a total of approximately \$2,300,000 of Government funds was loaned out. About 51 or 52 percent of this amount has been repaid back to the Government, leaving approximately \$1,200,000 still outstanding in loans receivables. Of that amount, I estimate we have losses, or potential losses, I will say, of some \$90,000 to \$100,000.

SENATOR LANGER. That is all of the money you lost, \$100,000?

MR. BINGHAM. Out of the \$2,300,000 total loaned in this area.

SENATOR LANGER. And that may not be lost? You are not sure about it?

MR. BINGHAM. We are pretty positive that the majority of that is a loss.

SENATOR LANGER. All right. Who is responsible for raising the interest rate up to 6 percent?

MR. BINGHAM. It cannot be pinpointed. So far as I am concerned, Senator, approximately 2½ or 3 years ago, a bulletin was issued by the central office requesting the recommendations of the area and field offices as to interest rates. These replies were mailed to the bulletins and sent to the central office. Now, the replies to the bulletin were based a good deal on the knowledge as to the central office ideas and

policies, and also as to the personal opinions of peoples in the field. Possibly the interest rate occurred as a result of the answers to that questionnaire.

Senator LANGER. Do you have a copy of that bulletin that was issued?

Mr. BINGHAM. No; I do not have.

Senator LANGER. Can you get one for the committee?

Mr. BINGHAM. We probably have one on file.

Senator LANGER. Do you mind sending it to the committee?

Mr. BINGHAM. Not at all.

Senator LANGER. I am curious about the date on that bulletin. I want to know if it came in 1953. Do you know whether it came after January 1, 1953, or before?

Mr. BINGHAM. I would say it occurred approximately 3 years ago.

Senator LANGER. That would be under the administration of Oscar Chapman?

Mr. BINGHAM. Yes, sir, I think so.

Senator LANGER. Is there anyone here who can verify that?

Mr. HEAD. I don't remember.

Senator LANGER. It is contrary to what Oscar Chapman says.

Mr. BINGHAM. In accordance with my recollection, it happened approximately 3 years ago.

Senator LANGER. Was it issued by the Indian Commissioner at that time?

Mr. BINGHAM. It came through the Washington office, yes, sir.

Senator LANGER. From the Indian Commissioner?

Mr. BINGHAM. I assume so. The Indian Commissioner set the policy for the Washington office, Bureau of Indian Affairs.

Senator LANGER. And your testimony is that 3 years ago they raised the interest rates?

Mr. BINGHAM. Approximately 3 years ago a questionnaire was sent out asking for recommendations as to the interest rates.

Senator LANGER. Do you know the date on which the interest rates were raised? Can you give us that information?

Mr. BINGHAM. No, I could not say offhand.

Senator LANGER. Would it take you very long; could you find out by telephone and let this committee know?

Mr. BINGHAM. I believe so.

Senator LANGER. If you do that, I would like to have it before we adjourn here.

Mr. BINGHAM. That is fine. Do you have any other questions?

Senator LANGER. I would appreciate it if you will telephone and find out.

Thank you.

Mr. CHUMBRIS. Do you have anything further to present so far as the Mescalero Apache Indians are concerned—any recommendations as to how your problem can be corrected?

Mr. OLSEN. Mr. Chino?

Mr. CHINO. I would like to speak on some of the developments that we have made.

I do not want to leave the impression with you that we are Mexicans, but that we are Mescalero Apache citizens of these United States.

As I have already mentioned in my report, the Mescalero Apache Tribe secured a huge loan and that was retired. The income from the

timber was pledged for that purpose. The income was used to retire the loan made by the tribe to build the homes that I have mentioned.

Along with the homes we have developed domestic water so that the majority of the houses have piped water. Of course, the majority of the houses have all been wired for electricity, so that many of the families today do enjoy the benefits of electricity.

Senator LANGER. Is that REA?

Mr. CHINO. REA; yes, sir. Then for a number of years we have operated a tribal store and we have operated purely for the benefit of tribal members. Then, of course, we have developed our cattle industry—and we are very proud of our cattle industry—and along with our herd we also have a separate herd that we refer to as a registered herd; so that we are constantly developing.

Mr. CHUMBRIS. May I interject something here?

According to a report submitted to one of the congressional committees, it shows that your store has assets of \$111,596 as of that date. Is that pretty close to that sum at this time?

Mr. CHINO. I would say "Yes."

Mr. CHUMBRIS. And your cattle association has assets of \$115,297; is that pretty close to what you have now?

Mr. CHINO. Yes. The chairman here says that is right.

Mr. CHUMBRIS. All right. Proceed.

Mr. OLSEN. May I add a couple of figures on the cattle association? They have \$60,000 loan that has been retired; and on the store, I think, when those figures were taken, there was about a \$40,000 loan. Since then they have retired half of it, and I don't think the figure would be as high as showing the assets there.

Mr. CHUMBRIS. Yes.

Mr. CHINO. We have also operated a recreation area for the public, for fishing, picnicking, and just mere relaxation.

We have also developed a Christmas-tree market.

Recently we set up an arts and crafts enterprise, and for several years we have also operated the woodyard enterprise.

These two enterprises that I have mentioned were set up in order to supplement the income of the members of the tribe.

We have also been operating some heavy equipment. We formerly referred to it as the soil-and-moisture enterprise. We feel that we can handle some of the jobs that are carried on outside the reservation, and we hope in time that we may be able to reach a point where we are willing to bid on some of the projects that are carried on outside of the reservation.

We are also going into a rather intensified farming program to be operated by the tribe.

These are some of the things that we have developed, and they have been in operation for several years.

Senator LANGER. Now, as to this land owned by the community, how do you get paid if you farm it?

Mr. CHINO. The tribe has made an assignment on a number of acres where the individual wanted to have his house located. On that spot the cultivated land was included in the assignment, and, of course, each individual or family assignment varies. Any income that is derived from that particular assignment is considered individual income.

Senator LANGER. Can he buy that from the Government?

Will the Government sell it to him?

Mr. CHINO. No, sir.

Senator LANGER. You are just on there, really squatting on there; is that right? The Government gives you an assignment and you can stay on there? How long do they give you a contract for, 1, 2, or 3 years, or how long?

Mr. CHINO. Just as long as an individual utilizes the assignment.

Mr. OLSEN. Senator, the land is held in trust by the Government, but the tribe actually manages it, so the tribe makes the assignment to the individual, and under their charter and constitution, so long as the individual makes beneficial use of that land, he retains his right to it. And if his children come up and wish to use that land in a beneficial way, this is the pattern that develops.

Senator LANGER. Why can't he buy it for a home?

Mr. OLSEN. Unless there were a basic change in the law, it would not work.

Senator LANGER. That is the very reason I am asking you. We hear a lot about fighting communism all over the world and here you have a situation where a man can live on that land for a hundred years and still not own it.

Mr. OLSEN. That is right.

Mr. CHINO. Of course, there are other resources on the reservation, such as timber and some of the other natural resources. Now, if we were to divide our reservation or to make allotments, the value of those resources would immediately drop so that it would bring very little to each individual. Now that it is controlled and operated by the tribe, the income is much larger, and, of course, it is put to use for the benefit of the members of the tribe; so from that standpoint, we are not interested in allotments.

Senator LANGER. Who decides whether a farmer is doing a good job on that piece of land?

Mr. CHINO. The business committee, the governing body.

Senator LANGER. How are they selected?

Mr. CHINO. They are elected by an election for a 2-year term.

Senator LANGER. That is all I have.

Mr. OLSEN. May I add something to this?

Mr. CHUMBRIS. Certainly.

Mr. OLSEN. There are some 1,200 acres of irrigated land on the reservation, and if it were divided on a pro rata basis, that would be 1 acre of land per individual, because there are about 1,200 individuals.

There is some dry-farm land, and if that were also pro rated, there would be about 2 acres to each individual, so it would actually be very small.

Senator LANGER. They have only 1,200 acres of irrigated land?

Mr. OLSEN. That is all.

Senator LANGER. What do you have to say about this whole business, sir?

Mr. LITTLE. Well, I think the whole thing was pretty well covered. The only thing, on this law-and-order matter, if the Government should help us out on this law, where a man runs off and leaves his kids behind, I think that is the most important thing that we have come to, that it has been a hard thing for us to solve. When a man

runs off and leaves the kids behind, and there is no way of bringing him back, and then the tribe has to suffer the consequences.

Some of these girls that go on this relocation program, they get in trouble, maybe in California, or here in Arizona, and then the law says that you can get no help from the State until after 1 year, so, naturally, they go back over there and try to get help over there, and the law says the same thing over there, so it takes about 2 years until they get help, so the tribe has to help them out.

Senator LANGER. How many of these girls is the tribe helping right now?

Mr. LITTLE. Oh, we have got about three, I think.

Senator LANGER. Is there much illegitimacy?

Mr. LITTLE. I would say yes.

Senator LANGER. Don't they get aid from the Government, from the aid to dependent children program?

Mr. LITTLE. The only thing that we got was from the State, but the State don't give them any help until after they are there 1 year, so they go back into the reservation.

Senator LANGER. I would like to get more information on that. Who can tell us about the aid to dependent children?

Mr. HEAD. The point that Mr. Little is making is that if they have left the State and then come back, they have to be back within the State for a year before they are eligible for aid.

Senator LANGER. Well, here is a poor girl who went off to Los Angeles, and she gets in trouble and has a baby, and Los Angeles won't take care of her because she is not a citizen. Who takes care of that baby during that year?

Mr. HEAD. The tribe, in most instances, and in many cases, the State of New Mexico has been very liberal and has started giving aid to dependent children as soon as they return. We don't have many cases on the Mescalero Reservation, so I don't know. It has been tried out.

Mr. LITTLE. Right now, we have two cases over there where the tribe is taking care of them.

Mr. HEAD. Yes.

Senator LANGER. Before that girl can get aid, she has to swear to an affidavit as to who was the father of that child; doesn't she?

Mr. LITTLE. That is right.

Senator LANGER. Is that man arrested, or isn't he arrested?

Mr. LITTLE. Well, he is from outside the reservation; he might be from Mexico or Arizona, you see.

Senator LANGER. Well, do they sue that man, or do they get a judgment against him?

Mr. LITTLE. No, sir.

Senator LANGER. Well, if a girl has a baby, she gets \$40, and then has another baby and gets \$40 more, and then has another baby and gets \$40 more, and then has still another baby and gets \$40 more—there was one in North Dakota that had 5 babies, all illegitimate and she neglected all 5 of them and went out and got drunk all the time. In other words, it is a premium unless somebody gets arrested; there is a premium on a girl having a lot of babies.

Mr. LITTLE. Well, what law will let us bring that gentleman back and put him in court and get a judgment?

Senator LANGER. Why shouldn't the man who is the father of the child take care of the child?

Mr. LITTLE. Well, take for instance, a man got a girl in trouble over there in Mescalero and he ran off into Arizona, what law do we have to take him back over there and prosecute him?

Senator LANGER. That is the very thing we are asking, why shouldn't there be a law so that you can do that?

Mr. LITTLE. That is what we want.

Mr. CHUMBRIS. That is consistent with that bill, Senator, that you introduced last year, that has been reintroduced this year.

Senator LANGER. Yes. Do you have many girls over there with more than one baby?

Mr. LITTLE. Yes, sir.

Senator LANGER. To your own knowledge, what is the largest number of illegitimate children that any girl has there?

Mr. LITTLE. About two.

Senator LANGER. Those girls, when they get this aid, of course, the Federal Government is interested in the aid, because it is the taxpayers' money, and a lot of it comes from the Government and we are interested in it. Do you think that the girl ought to get that money unless she swears to an affidavit to bring that fellow back?

Mr. LITTLE. That is what we usually try to do, we try to get an affidavit first, before we give her any help, but in the meantime we have to help her out until we get some affidavit to bring that man back into the reservation and to prosecute him.

Senator LANGER. Now, when you bring him back—have you brought some back?

Mr. LITTLE. No, sir.

Senator LANGER. What?

Mr. LITTLE. We have not.

Senator LANGER. You were a minister and you know all about that. I suppose you have had a lot of experience with that; haven't you, Mr. Chino?

Mr. CHINO. Yes, sir.

Senator LANGER. What is your solution to it?

Mr. CHINO. Of course, the State—the various States have the same problem. I don't think that the Indian tribes will solve that problem until the States do have some laws that will permit various States to bring back an individual who makes an effort to escape his responsibilities.

Senator LANGER. District Attorney Keating over there in Denver testified that that is one of their biggest problems. A fellow would abandon his wife and children and go to California, and then they don't get him back, and the reason they don't get him back is because somebody will not file a complaint, and in other cases, they find that it would cost more to get him back, and it is easier to take care of the wife and children; and in the third case, the Government would not sign the—or, rather, the governor would not sign the extradition papers. Don't you think that there ought to be a Federal law so that that can be accomplished?

Mr. CHINO. Yes, sir.

Senator LANGER. If a man takes an automobile or narcotics across the line, he can be punished, but he can leave a wife and 3, 4, or 5 children and go scot-free; isn't that right?

Mr. CHINO. It doesn't make sense.

Senator LANGER. It certainly does not.

Mr. CHUMBRIS. That is all.

Senator LANGER. That is all.

Mr. CHUMBRIS. Thank you very much, gentlemen.

Mr. Reporter, let the record show that we are now going into the matter of S. 959.

Mr. Chairman, at this time the subcommittee is going to consider a legislative hearing on Senate bill 959, which was introduced by Senator Kefauver, Senator Hennings, and Senator Langer and has been referred to our committee for subcommittee hearings.

There are some witnesses here from the border cities, from the States of Texas, New Mexico, and Arizona, who wish to testify on this bill, and if it is agreeable with the Chair, we will proceed on Senate bill 959 at this time.

Senator LANGER. That is agreeable, provided if you are going to have some more testimony on the Indian matter, that it be kept in that order, Mr. Reporter, that this be kept separate so that the Senators will not be confused.

(Whereupon, at a subcommittee hearing the matter referring to juvenile delinquency among Indians adjourned and proceeded to further matters.)

(At 4:15 p. m., the same day, the subcommittee returned to the proceedings of juvenile delinquency among Indians.)

Mr. CHUMBRIS. Mr. Galbraith, will you come forward, please?

TESTIMONY OF ALLEN GALBRAITH, SUPERINTENDENT, INDIAN AGENCIES, JICARILLA APACHE TRIBE

Mr. CHUMBRIS. Mr. Galbraith, will you please state your full name, your address, and your official title?

Mr. GALBRAITH. I am Allen Galbraith, superintendent of the Indian agency, located at Dulce, N. Mex.

Mr. CHUMBRIS. Do you have a statement to present to the subcommittee this afternoon?

Mr. GALBRAITH. Yes, I do.

Mr. CHUMBRIS. Would you please state what group of Indians and what Indian reservations you cover?

Mr. GALBRAITH. The Jicarilla Apaches.

Mr. CHUMBRIS. Where is that located?

Mr. GALBRAITH. In north-central New Mexico, bordering on the Colorado State line.

Mr. CHUMBRIS. Will you proceed with your statement?

Mr. GALBRAITH. First of all, I would like to say to the Senator that I regret that the chairman of the tribal council could not come down with me, due to other commitments.

If I may, I would like to read the statement and if you think it would be well, I may add some additional information as I go along.

Senator LANGER. Go right ahead.

Mr. GALBRAITH. The Jicarilla Apache Reservation consists of 727,-577.90 acres of tribal land; 9,877.97 acres of allotted land; and 2,867.94 acres of administrative reserve.

Agency records, which are up to date, show an enrollment of 1,110 individuals. Few families work at off-reservation employment of

a permanent nature, and again very few secure seasonal work away from the reservation.

Individual and family income consists of wages from Government work, tribal work, cattle and sheep raising, and a very little from income from working for other Apaches.

For the past 2 years, this income has been supplemented by distribution of tribal funds in the form of per capita payments in the amount of \$500 each year.

Income from all sources is estimated at \$870 per capita.

The above figures on income were taken from a non-Bureau report on the economic development of a Jicarilla Apache Tribe.

Now, right at that point, I would like to mention that last summer, and I believe this is something that the Jicarilla Apaches can be very proud of, they realized that maybe in years to come children who are young now, minors under 18, may have need for this tribal money when they become 18, 19, 20, and 21, and they proceeded to set up a trust agreement which is deposited in a bank under a trust fund. I think it was something—to my knowledge, I believe it is the first one of its kind ever adopted by an Indian tribe.

Welfare services are provided to the United Pueblos Agency in Albuquerque when serious needs arise. Relief cases have been cared for by the State of New Mexico and through the use of tribal funds.

During 1953, there was an average of 27 individuals and families receiving financial assistance from the tribe.

These cases were carried for approximately 4 months and in 1954, there was an average of 22 cases for 7 months.

In 1953, there were 24, and in 1954, there were 16 State welfare cases, and for approximately the same number of months, as tribal welfare.

The number of State cases are listed according to our records in our office.

Interest in community and social affairs is steadily increasing among the Apaches. Indications are that the tribe may spend their own funds for the construction of a community center to provide recreation for juveniles and adults. Except for weekly shows and basketball games held in season, there is very little recreation provided. A community center would be a great help to these people.

In mentioning this community center, I wish to state that the tribe intends to build this community center, which would include a gymnasium, a canteen for the young people and various tribal offices. There would be shops, and room for home economic instruction. This building itself would cost over \$100,000. That money now will be provided by the tribe from local tribal funds.

Housing is badly needed in order to provide a good home and family relationships. The tendency is toward better housing and away from one-room shacks and tents. There has been some talk among the tribal leaders of a plan to develop a tribal housing project. Two families have recently completed new homes through the use of tribal loan funds and two more applications are now before the loan board. These numbers are small but definitely a step in the right direction. Good homes, and a normal homelife are necessary for proper development of the tribe as a whole.

The tribal census is kept current by the Jicarilla Apache Health Center located at Dulce, N. Mex. Here the deaths and births are recorded.

Permanent census cards are made up for all the schoolchildren by the school staff. The cards for children newly born are added to the permanent census card file each year.

During the summer, lists of all 6-year-olds or those who will be 6 on or before December 31, are posted in the Jicarilla co-op store, the post office, the agency office, and the schools. The parents of these new enrollees are contacted. The mission workers and the public health nurse carry the same reference lists to the people on the reservation.

The opening of school in 1953 and in 1954 found all 6-year-olds in attendance, with very little recourse to police action. A delinquent few had to be convinced that this was best for their children and in accordance with the tribal law.

Parents and students generally accept and abide by the tribal compulsory-attendance law, which requires school attendance when children become 6 and until they are 18. The tribal police have been very cooperative in returning schoolchildren who have protracted absences without legitimate reason for same.

Attendance is required either at the Jicarilla Boarding and Day School or the Dulce Public School. Both schools go only through grade 8. The Jicarilla School, a Federal boarding school, with approximately 230 boarding and 70 day pupils, though not a part of the public school system, has an excellent relationship with it. To a large extent, it follows a modified course of study prescribed by the State of New Mexico.

It is a participating member of the Northern Rio Arriba Grade School Basketball Conference. The graduates of the Jicarilla School receive public school diplomas. The Dulce Public School is a small 2-teacher, 2-room school, with a capacity of about 40 pupils.

The vocational subject—home economics for the girls, and farm-shop for the boys—are taught at the Jicarilla School in grades 6, 7, and 8. All of the teachers at the school have full GS-7 certification from the Civil Service Commission. The eighth grade graduates for the past 2 years have, with few exceptions, gone to the Santa Fe Indian School for their high-school education.

EXTRACURRICULAR ACTIVITIES

Because of extreme climatic conditions—30 degrees below zero during the winter months—and isolation—100 miles from the nearest large town—these activities have been limited to two sports: Basketball, from October through February, and intramural softball from March through May. Football may be introduced next fall for September and October. The students also participate in 4-H activities from grade 3 through grade 8. The students in farm shop have initiated, completed, and are now participating in a very active poultry project.

The Dulce Public School is helped tremendously by a parent-teacher club and the Apache students, by the new tribal board of education.

In 1953, our education budget was \$193,656. In 1954, it was \$202,050.

I might add there that just prior to my leaving, I received unofficial word from a good source that we will receive a new school building under Public Law 50, to be a consolidated school with the Jicarilla Apaches and non-Apaches.

The following is a summary of statistics on juvenile delinquency at the Jicarilla Boarding and Day School during the school years 1953 and 1954. I might add here that I do not believe some of these listed would be normally regarded as juvenile delinquents.

Under intoxication, in 1953, there were 21 cases, and the number involved was 16.

The frequency in 1954 was 27 and the number involved was 19.

Disregard for school regulations: There were 7 and the number involved were 5; in 1954 there were 21 and the number involved was 12.

Parental disobedience: In 1953, there were none listed and in 1954 there were 5, with 2 involved.

Stealing: In 1953, there were 2 and the number involved was 2; and the same thing is true for 1954.

Unlawful entrance: There were no cases in 1953 and in 1954 there were 4 cases, with 4 involved.

Abusive language: In 1953, it is listed sometimes and the number involved was 1; in 1954, it is listed as sometimes, and the number involved was 2.

Casual conditions for delinquency: Unwilling to accept correction; lack of discipline at home; no responsibility; unwilling to abide by rules; lack of tribal law to deal with juveniles; lack of tribal culture and ignorance of present-day social standards and morals; insecurity; broken homes; child unhappy in dormitory; unstable parents.

Much drinking in the home: Drinking introduced by adults; by parents at home; acquired taste early.

Social environment: Entering bars with adults; drunks observed commonly; abusive language heard at home and some associates.

Situations created to steal: Too much money given to some children; no money given to some children.

I might add here, with no apologies to anyone, that most of our trouble has come from a small town off the reservation, actually 4 miles from agency headquarters, where I believe there are four bars and very little police action of any kind.

Now, at Dulce we do not have a hospital. Medical service is provided through a clinic. The medical services provided at the Jicarilla Health Center are limited at the present time, due to the absence of a doctor.

Routine clinic services are given. Treatments of all minor cases, such as colds, loose stools, sore throats, contagious diseases, and minor accidents are treated at the clinic.

Doubtful cases, those needing laboratory or X-ray services, surgical cases, major accident cases, and obstetrical cases, are referred to Santa Fe Indian Hospital or to a private physician.

Dental and eye cases have to be referred to Santa Fe Indian hospitals when we are notified that such services are available. This is on the average of once a year.

I might add there that the tribe itself has appropriated a fund from local funds to provide glasses and dental service for the Jicarilla Apaches.

The teaching, instructing, and demonstrating of first aid, prenatal, postnatal, child's care, personal hygiene, and home nursing, are carried out in the clinic, school dormitories, and homes by the public-health nurse and the clinic personnel.

The inoculations, vaccinations, and all preventive measures are carried out as far as practicable.

I would like to add there that out of 121 who were eligible for this polio vaccine, 119 were vaccinated.

The total budget for health for 1953 was \$41,322 and for 1954 it was \$42,323.

In addition to the regular 8-hour daily tour of duty, the clinic personnel are on standby status while off duty and on weekends.

I have a whole list of the numbers of cases that visited the clinic, the numbers that were referred to the Santa Fe Indian hospital for the past 2 years.

Mr. CHUMBRIS. You will submit the whole as an exhibit?

Mr. GALBRAITH. Yes.

Mr. CHUMBRIS. You will just submit it as an exhibit.

Senator LANGER. Yes, let that be entered as an exhibit at the end of Mr. Galbraith's testimony.

(The information appears at the end of Mr. Galbraith's testimony on p. 173.)

Mr. GALBRAITH. During 1953 there were 51 births, 12 deaths, and 10 of the births are listed as illegitimate.

In 1954 there were 52 births, 12 deaths, and 17 of the births were listed as illegitimate.

Senator LANGER. Seventeen of them were illegitimate?

Mr. GALBRAITH. That is right. I might add—

Mr. CHUMBRIS. What percentage was that, again, now?

Mr. GALBRAITH. Out of a total of 52, 17 were illegitimate.

Senator LANGER. Seventeen out of fifty-two; that is a little less than 33½ percent.

Mr. GALBRAITH. I might add that some of those cases were 25 years old and one I know of is 35.

The relocation program affords Indians unable to make a living at home the help they need to move to urban centers where they can make a good year-round living. Interest in relocation has been limited at the Jicarilla Apache Agency, perhaps partly because assistance funds were not available at this agency during most of the period covered in this report.

A few people have been able to pay their own way, using relocation branches services otherwise. A very few have received financial assistance from the United Pueblos Agency funds, and the tribe has loaned money to one family to accomplish relocation.

Current policy provides for use of United Pueblos funds to assist Jicarilla Apaches to relocate, insofar as such funds are available. Staff service is provided by the United Pueblos branch of relocation. The summary of accomplishments given below includes only activity at the Jicarilla Apache Agency.

I might say that this is not a very good record. For the fiscal year 1953, one family had relocated with financial assistance and returned.

One single person relocated with financial assistance and returned.

In the fiscal year 1954, one family had relocated without financial assistance and returned.

In the fiscal year 1955, up to April 30, 1955, 1 family, totaling 5 persons, relocated without financial assistance; all returned.

Funds expended for relocation were as follows: For the fiscal year 1953, \$266.82; for the fiscal year 1954; none; for the fiscal year 1955, none.

I might add there, as a sort of explanation, why that may be, and I have given it a lot of thought: A lot of it boils down apparently to the clause in the tribe's constitution which says that only children born in residence at the Jicarilla Apache Tribe may be enrolled. I think if the tribe were to modify its constitution, that they would probably find more interest in leaving the reservation.

The tribe has been receiving quite a little money from oil and gas leases and I am quite sure that an individual, if he thought that the future children would not be enrolled, would hesitate to leave the reservation.

Following is a breakdown of tribal court cases and arrests for the years 1953 and 1954:

1953: Disorderly conduct, 19; drunken driving, 6; assault and battery, 5; theft, 1; drunk, 20; arrests by tribal police, 208.

In 1954: Drunk and disorderly conduct, 43; assault and battery, 5; separation, 1; drunken driving, 3; adoption, 1; land settlement, 1; arrests by tribal police, 181.

There are no Federal funds provided for law and order.

The tribe furnishes the jail, usually 2 police and 2 judges.

The tribal budget for law and order shows for the fiscal years: 1954, \$7,950; 1955, \$11,476.

I would like to add there that in connection with that police work, we have arrangements with Special Officer Canote and his assistants to assist us when needed.

I will add, too, that the cooperation from the FBI is excellent. If we need them, we only have to call them and they will be there.

Senator LANGER. You certainly have a very full and complete statement there.

Mr. CHUMBRIS. How long have you been superintendent?

Mr. GALBRAITH. It will be 4 years in July.

Mr. CHUMBRIS. Have you noted progress during the 3 years you have been there?

Mr. GALBRAITH. I believe so, yes. I might explain when I went there that it seemed to be the attitude of the Jicarilla Apaches that I should be the judge, the police officer, and the jury, but I have not done it. I think some people might think that I am lax, but they are beginning to learn their responsibility, that, under their constitution, they have provisions to provide their own law and order, and I think it is doing them a world of good. They are taking more of an interest in tribal government: they are working on a law and order code which we hope they will have prepared and submitted for approval to the Secretary of the Interior before long.

Senator, I would say definitely that there has been progress.

Mr. CHUMBRIS. As you notice, during the 3 years, the progress is continuing on up; is that the way you see it, that it is a continuing progression?

Mr. GALBRAITH. That is right. I would just like to add something here that may be of interest, and this has to do with the distribution of population by sex and percentages.

This will not total up to our 1,110 because it was made last fall.

I am not familiar with what the national average is, but I think you will see that we have a young group of people.

Under 10 years of age, we had 183 male, 181 female, making a total of 364 with a percentage of 34.

In the ages 10 to 19, we had 117 male, 128 female, or a total of 245; percentage 23.

You see there the total percentage is 57 for the age group from 1 through 19.

From 20 to 59, there were 194 male, 204 female, for a total of 398, with a percentage of 38.

From 60 to 69, there were 16 male, 13 female, or a total of 29, with a percentage of 3.

For 70 and over, 18 male, and 8 female, making a total of 26, with a percentage of 2.

I think it is not shown here, but we have broken it down further and it shows at that time that actually approximately 75 percent of the people were under 30, so we are working for the younger people.

Mr. CHUMBRIS. Will you submit both of those exhibits?

Mr. GALBRAITH. Well, sir, this is a tribal report and I will ask them: if they are willing, I will submit it.

Senator LANGER. We will return the original to you, and we will make the copy if you have no copy. We will be very glad to do that.

Mr. GALBRAITH. What I was thinking about, I was under the impression that out of courtesy to the tribe we should have their permission before submitting it.

Senator LANGER. That would be satisfactory to us.

Mr. CHUMBRIS. That will be made a part of the record, will it, Senator?

Senator LANGER. You will let us know whatever the tribal council says about it?

Mr. GALBRAITH. Very well.

Mr. CHUMBRIS. I understand that the report may be made a part of the record.

Senator LANGER. Yes. Let the report be exhibit No. 6.

(The document referred to above was marked "Exhibit No. 6," and is as follows:)

EXHIBIT No. 6

JICARILLA APACHE INDIAN AGENCY, DULCE, N. MEX.

The Jicarilla Apache Reservation consists of 727,577.90 acres of tribal land, 9,877.96 acres of allotted land, and 2,867.94 acres of administrative reserve.

Agency records, which are up to date, show an enrollment of 1,110 individuals. Few families work at off-reservation employment of a permanent nature and again very few secure seasonal work away from the reservation. Individual and family income consists of wages from Government work, tribal work, cattle and sheep raising, and a very little from income from working for other Apaches. For the past 2 years this income has been supplemented by distribution of tribal funds in the form of per capita payments in the amount of \$500 each year. Income from all sources is estimated at \$870 per capita.

The above figures on income were taken from a non-Bureau report on the economic development of the Jicarilla Apache Tribe.

Welfare services are provided through the United Pueblos Agency in Albuquerque when serious needs arise. Relief cases have been cared for by the State of New Mexico and through the use of tribal funds.

During 1953 there was an average of 27 individuals and families receiving financial assistance from the tribe. These cases were carried for approximately 4 months and in 1954 there was an average of 22 cases for 7 months. In 1953 there were 24 and 1954 16 State welfare cases and for approximately the same number of months as tribal welfare. The number of State cases are listed according to our records.

Interest in community and social affairs is steadily increasing among the Apaches. Indications are that the tribe may spend their own funds for the construction of a community center to provide recreation for juveniles and adults. Except for weekly shows and basketball games held in season there is very little recreation provided. A community center would be a great help to these people.

Housing is badly needed in order to provide a good home and family relationship. The tendency is toward better housing and away from one-room shacks and tents. There has been some talk, among the tribal leaders, of a plan to develop a tribal housing project. Two families have recently completed new homes through the use of tribal loan funds and two more applications are now before the loan board. These numbers are small but definitely a step in the right direction. Good homes and a normal home life are necessary for proper development of the tribe as a whole.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 14, 1955.

Memorandum.

To: A. W. Galbraith, Superintendent.

From: Samuel Rosenberg, reservation principal.

Subject: School facilities and school attendance.

PROCEDURES IN EFFECTING SCHOOL ATTENDANCE

1. The tribal census is kept current by the Jicarilla Apache Health Center located at Dulce, N. Mex. Here, the deaths and births are recorded.

2. Permanent census cards (form 5-255b) are made up for all the school-children by the school staff. The cards for children newly born are added to the permanent census card file each year.

3. During the summer, lists of all 6-year-olds or those who will be 6 on or before December 31 are posted in the Jicarilla Apache Coop Store, the post office, the agency office, and the schools. The parents of these new enrollees are contacted. The mission workers and the public-health nurse carry the same reference lists to the people on the reservation.

4. The opening of school in 1953 and in 1954 found all 6-year-olds in attendance with very little recourse to police action. A delinquent few had to be convinced that this was best for their children and in accordance with tribal law.

5. Parents and students generally accept and abide by the tribal compulsory attendance law which requires school attendance when children become 6 and until they are 18. The tribal police have been very cooperative in returning schoolchildren who have protracted absences without legitimate reason for same.

6. Attendance is required either at the Jicarilla Boarding and Day School or the Dulce Public School. Both schools go only through grade 8. The Jicarilla School, a Federal boarding school, with approximately 230 boarding and 70 day pupils, though not a part of the public school system, has an excellent relationship with it. To a large extent, it follows a modified course of study prescribed by the State of New Mexico. It is a participating member of the Northern Rio Arriba Grade School Basketball Conference. The graduates of the Jicarilla School receive public school diplomas. The Dulce Public School is a small 2-teacher, 2-room school with a capacity of about 40 pupils.

7. The vocational subjects, home economics for the girls and farm-shop for the boys are taught at the Jicarilla School in grades 6, 7, and 8. All the teachers at the school have full GS-7 certification from the Civil Service Commission. The eighth grade graduates for the past 2 years have, with few exceptions, gone to the Santa Fe Indian School for their high school educations.

8. *Extracurricular activities.*—Because of extreme climatic conditions (—30° during the winter months) and isolation (100 miles from the nearest large town) these activities have been limited to two sports; Basketball from October through February and intramural softball from March through May. Football may be introduced next fall for September and October. The students also participate in 4-H activities from grade 3 through grade 8. The students in farm-shop

have initiated, completed, and are now participating in a very active poultry project.

9. *School boards*.—The Dulce Public School is helped tremendously by a parent-teacher club and the Apache students by the new tribal board of education.

10. *Budget, schools, Jicarilla Indian Agency*.—1953, \$193,656; 1954, \$202,050.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 12, 1955.

Memorandum.

To: A. W. Galbraith, Superintendent.

From: Samuel Rosenberg, reservation principal.

Subject: School statistics on juvenile delinquency.

The following is a summary of statistics on juvenile delinquency at the Jicarilla Boarding and Day School during the school years 1953 and 1954:

Category	1953		1954	
	Frequency	Number involved	Frequency	Number involved
1. Intoxication.....	21	16	27	19
2. Disregard for school regulations.....	7	5	21	12
3. Parental disobedience.....	0	0	5	2
4. Stealing.....	2	2	2	2
5. Unlawful entrance.....	0	0	4	4
6. Abusive language.....	(1)	1	(1)	2

¹ Sometimes.

CAUSAL CONDITIONS FOR DELINQUENCY

1. Unwilling to accept corrections:
 - (a) Lack of discipline at home.
 - (b) No responsibility.
2. Unwilling to abide by rules:
 - (a) Lack of tribal law to deal with juveniles.
 - (b) Lack of tribal culture and ignorance of present-day social standards and mores.
3. Insecurity:
 - (a) Broken homes:
 - (1) Child unhappy in dormitory.
 - (2) Unstable parents.
 - (b) Much drinking in the homes.
4. Drinking introduced by adults:
 - (a) By parents at home; acquire taste early.
 - (b) Social environment:
 - (1) Entering bars with adults.
 - (2) Drunks observed commonly.
5. Abusive language heard at home and from associates.
6. Situations created to steal:
 - (a) Too much money given to some children.
 - (b) No money given to some children.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
FIELD SERVICE,
April 15, 1955.

Memorandum.

To: Mr. A. W. Gailbraith, Superintendent.

From: Edwena McNairn, Head Nurse.

Subject: Health program.

The medical services provided at the Jicarilla health center are limited at the present time due to the absence of a doctor. Routine clinic services are given. Treatments of all minor cases such as colds, loose stools, sore throats, contagious

diseases, and minor accidents are treated at the clinic. Doubtful cases, those needing laboratory or X-ray services, surgical cases, major accident cases, and obstetrical cases are referred to Santa Fe Indian Hospital or to a private physician. Dental and eye cases have to be referred to Santa Fe Indian Hospital when we are notified that such services are available. This is on the average of once a year.

The teaching, instructing, and demonstrating of first aid, prenatal, postnatal, child care, personal hygiene, and home nursing are carried out in the clinic, school dormitories, and homes by the public health nurse and the clinic personnel.

The inoculations, vaccinations, and all preventive measures are carried out as far as practicable.

The total budgets for health are as follows: 1953, \$41,322; 1954, \$42,323.

In addition to the regular 8-hour daily tour of duty, the clinic personnel are on standby status while off duty and on weekends.

Month and year	Clinic visits	Number referred to Santa Fe Indian Hospital	Month and year	Clinic visits	Number referred to Santa Fe Indian Hospital
1953—January.....	857	10	1954—January.....	376	23
February.....	560	5	February.....	282	37
March.....	552	9	March.....	508	50
April.....	471	9	April.....	434	52
May.....	320	18	May.....	297	31
June.....	299	8	June.....	327	29
July.....	231	9	July.....	463	35
August.....	294	11	August.....	424	42
September.....	320	15	September.....	541	45
October.....	250	26	October.....	498	52
November.....	288	27	November.....	824	45
December.....	334	33	December.....	596	67

	1953	1954
Total births.....	51	52
Total deaths.....	12	12
Total illegitimate births.....	10	17

RELOCATION SERVICES

The relocation program affords Indians unable to make a living at home the help they need to move to urban centers where they can make a good year-round living. Interest in relocation has been limited at the Jicarilla Apache Agency, perhaps partly because assistance funds were not available at this agency during most of the period covered in this report. A few people have been able to pay their own way using relocation branch's service otherwise. A very few have received financial assistance from the United Pueblos Agency funds and the tribe has loaned money to one family to accomplish relocation. Current policy provides for use of United Pueblos funds to assist Jicarilla Apaches to relocate insofar as such funds are available. Staff service is provided by the United Pueblos branch of relocation. The summary of accomplishments given below includes only activity at the Jicarilla Apache Agency.

Fiscal year 1953: 1 family head relocated with financial assistance and returned, 1 single person relocated with financial assistance and returned.

Fiscal year 1954: One family head relocated without financial assistance, returned.

Fiscal year 1955 (to April 30, 1955): 1 family totaling 5 persons relocated without financial assistance, all returned.

Funds expended for relocation as follows :

Fiscal year—

1953-----	\$266.82
1954-----	None
1955-----	None

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE,
JICARILLA INDIAN AGENCY,
Dulce, N. Mex., April 20, 1955.

Memorandum.

To : A. W. Gailbraith, Superintendent.

From : Tribal clerk.

Subject : Court cases.

Following is a breakdown of tribal court cases and arrests for the years 1953 and 1954:

1953:		1954:	
Disorderly conduct-----	19	Drunk and disorderly conduct_	43
Drunken driving-----	6	Assault and battery-----	5
Assault and battery-----	5	Separation-----	1
Theft-----	1	Drunken driving-----	3
Drunk-----	20	Adoption-----	1
Arrests by tribal police-----	208	Land settlement-----	1
		Arrests by tribal police-----	181

No Federal funds provided for law and order. Tribe furnishes jail, usually 2 police and 2 judges. Tribal budget for law and order shows for the fiscal years : 1954, \$7,950 ; and 1955, \$11,476.

DIRECTIONS

General

This report is for all schools except State public and mission schools. It must be prepared for each school and the original and one copy forwarded to the area office within five days after the closing date of the regular school year or term.

The regular school term in Indian Service schools consists of 180 school days for day pupils and 270 days for boarding pupils and this report should account for that number of days as nearly as possible.

If Indians and non-Indians are enrolled, a separate report should be made for each group indicating on the first page under "kind of pupils" which group is covered by the report.

Enrollment and Attendance

A. The name of every child between the ages of 6 and 18 who attends the school at any time during the term shall be entered on the attendance register on the first day of school or on the first day the child is in attendance. Each child shall be marked absent on the days he is not actually in school.

When a pupil moves away from the area served by the school his enrollment should be terminated as of the day on which he moved away.

In case of non-reservation boarding schools a student should be considered enrolled as of the first day of school or as of the day when application properly executed and approved is received and enrollment accepted by the superintendent. Enrollment should be continued until formally discontinued.

B. In computing average daily attendance, the aggregate attendance of all pupils in the school is divided by the number of days school was in session. In certain cases the actual number of days that school was in session may vary in a school from room to room or from one unit to another, such as the elementary grades and the high school. Each teacher should find the average daily attendance for her room or unit by dividing the aggregate attendance by the number of days her room was actually in session. The principal or principal teacher should then combine the reports for the different rooms to make one report for the school. The steps in the process of combining the reports are as follows:

1. Find the "total days attended" for the whole school by adding the figures for "total days attended" for each room or unit.
2. Find the "average daily attendance," for the whole school by adding the figures for "average daily attendance," for each room or unit.
3. Find the average number of days school was in session for the whole school by dividing "total days attended for the whole school" by the "average daily attendance of the whole school."

By "days school was in session" we mean days when school was actually held and for the purpose of this report school should not be considered as having been in session on days when less than 10% of the enrollment was present.

C. Item 5 represents the total number of days all the children should have been in school, or the number of days the children would have attended if attendance had been perfect. Total days actually attended divided by total days enrolled gives the percent of attendance. (see item 7).

D. Where divisions are indicated, carry the division to two decimal places. If the second decimal place is four or less, drop it. If it is five or more add one to the first decimal place. Thus, the answer will be given to the nearest tenth.

Adult Education.

This means participation by people not regularly enrolled in school, in shops, home making work, classes in English or other subjects, child guidance conferences and similar activities involving supervisory or instructional time of instructors or assistants. Such people are usually referred to as "adults." The time is to be reported in days, and 5 hours of such participation should be called one day. In some cases this can be only an approximation. Exaggeration should be carefully avoided.

Age-Grade chart.

This chart shows the enrollment by ages and grades and it indicates the appropriateness of grade placement for the pupils age. Pupils falling within the heavily outlined rectangles are normal as to grade for their age.

In tabulating it is necessary to consider one pupil at a time. For example: Pupil A is a boy 10 years of age and in the 4th grade. Start at B to the right of the 4 on the left hand side of the chart and move to the right until the square under the 10 at the top of the chart is reached and put a mark in the square. When all the pupils have been placed, count the marks in each square and write the number in the square either erasing the tally marks or writing over them. Add from left to right and write the sum in the appropriate space under total. The totals indicate the number in each grade. Then add and write the sum in the appropriate space after "total" at the bottom of the chart. These totals indicate the number of pupils of each age. The number of pupils accounted for in this tabulation must be the same as the number given in item 2.

ACTIVE SERVICE RECORD

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

ANNUAL SCHOOL ATTENDANCE REPORT

Area Albuquerque.....

Agency Jicarilla Indian Agency.....

School located at Dulce, New Mexico.....

School Jicarilla Boarding & Day School.....

P. O. Address Dulce, New Mexico.....

Kind of School (Check X one)

- a. Reservation Boarding School (X) c. Special Consolidated School ()
- b. Non-Reservation Boarding School () d. Day School ()

Kind of Pupils

(X) Indians () Non-Indians
School year beginning August 25, 1952, and ending May 8, 1953

Superintendent's Certificate

I have examined this report and believe it to be complete and accurate

Teacher's or Principal's Certificate

I certify that this report was prepared by me, or under my direction, and that the information given is true and correct to the best of my knowledge and belief.

Signed

A. W. Galbraith,

Superintendent

Date

Signed

Samuel Rosenberg,
Reservation Principal

Date

4-17-53

Total—All Grades

Enrollment and Attendance

- Total days school was in session *
- Number of pupils enrolled
- Aggregate attendance in days by all pupils
- Average daily attendance (Divide item 3 by item 1)
- Aggregate days all pupils were enrolled
- Average daily enrollment (Divide item 5 by item 1)
- Percent of attendance (Divide item 3 by item 5)
- Average number of days each pupil attended (Divide item 3 by item 2)
- Number of pupils expelled from school during this year
- Number of pupils enrolled after opening of school
- Number of high school diplomas issued

* See directions before making any entries for this item

BOYS	GIRLS	TOTAL
121	129	250
57372	57372	114744
235.1	235.1	470.2
53060	53060	106120
233.0	233.0	466.0
98.3	98.3	196.6
229.4	229.4	458.8
0	0	0
12	5	17
0	0	0

Degree of Indian Blood	BOYS	GIRLS	TOTAL
12. Number full blood	121	129	250
13. Number three-quarters			
14. Number one-half			
15. Number one-quarter			
16. Number less than one-quarter			
17. Total number of pupils	121	129	250

Adult Education	BOYS	WOMEN	TOTAL
18. Number of individuals using facilities			
19. Aggregate days facilities were used (count 5 hrs. participation one day)			

Tribes and Reservations Represented

20 NAME OF TRIBE	21 NAME OF RESERVATION	22 NUMBER PUPILS	20 NAME OF TRIBE	21 NAME OF RESERVATION	22 NUMBER PUPILS
Jicarilla Apache	Jicarilla Apache	250			

Remarks

Age-grade Chart.

Grade	Sex	Age *																			21 and over	Totals
		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20				
Special Classes	B																					
	G																					
Pre-Primary	B																					
	G		1	13	1	1				1										17		
1	B		2	7																9		
	G				16	2			1											19		
2	B				12	1	1			1										15		
	G				1	6	5	2												14		
3	B				3	8	7													18		
	G					12	2													14		
4	B					14	0				1									15		
	G						2	5	6	1	1									15		
5	B						1	7	2	2										12		
	G							3	8	1										12		
6	B						2	9	6		1									18		
	G									9	3	3	2							17		
7	B									2	3	7	1							13		
	G											4	3	1	2					10		
8	B										2	4	5	1						12		
	G												1	1	1					3		
9	B											2	5	6	2	1	1			17		
	G																					
10	B																					
	G																					
11	B																					
	G																					
12	B																					
	G																					
13	B																					
	G																					
14	B																					
	G																					
Total	B		1	13	18	21	9	10	15	12	8	7	4	3						121		
	G		2	7	15	23	11	16	10	8	15	11	7	2	1	1				129		

*Use age as of January 1. Example: A pupil who has reached his 6th birthday on January 1, but not reached his 7th birthday would be colled 6 years old

COPY

Read directions on back page

R 3-1-3
Approved April 15, 1952UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

ANNUAL SCHOOL ATTENDANCE REPORT

Area Albuquerque School Jicarilla Boarding Day School
 Agency Jicarilla Indian Agency P. O. Address Dulce, New Mexico
 School located at Dulce, New Mexico

Kind of School (Check X one)

- a. Reservation Boarding School ☐ c. Special Consolidated School ☐
 b. Non-Reservation Boarding School ☐ d. Day School ☒ (X)

Kind of Pupils

☒ (X) Indians ☐ () Non-Indians
 School year beginning August 25, 1952 and ending May 8, 1953

Superintendent's Certificate

I have examined this report and believe it to be complete
and accurate

Teacher's or Principal's Certificate

I certify that this report was prepared by me, or under my
direction, and that the information given is true and correct to
the best of my knowledge and belief.

Signed

A. W. Galbraith, Superintendent

Date

Signed

Samuel Rosenberg
Reservation Principal

Date

Total—All Grades

Enrollment and Attendance

- Total days school was in session*
- Number of pupils enrolled
- Aggregate attendance in days by all pupils
- Average daily attendance (Divide item 3 by item 1)
- Aggregate days all pupils were enrolled
- Average daily enrollment (Divide item 5 by item 1)
- Percent of attendance (Divide item 3 by item 5)
- Average number of days each pupil attended (Divide item 3 by item 2)
- Number of pupils expelled from school during this year
- Number of pupils enrolled after opening of school
- Number of high school diplomas issued

*See directions before making any entries for this item.

Total—All Grades	
BOYS	GIRLS
175	175
18	18
36	36
5758	5758
32.9	32.9
6230	6230
35.6	35.6
92.4	92.4
159.9	159.9
0	0
0	0
0	0

Degree of Indian Blood

	BOYS	GIRLS	TOTAL
12. Number full blood	18	18	36
13. Number three-quarters			
14. Number one-half			
15. Number one-quarter			
16. Number less than one-quarter			
17. Total number of pupils			

Adult Education

	BOYS	WOMEN	TOTAL
18. Number of individuals using facilities			
19. Aggregate days facilities were used (count 5 hrs. participation one day)			

Tribes and Reservations Represented

20	NAME OF TRIBE	21	NAME OF RESERVATION	22	NUMBER PUPILS	20	NAME OF TRIBE	21	NAME OF RESERVATION	22	NUMBER PUPILS
	Jicarilla Apache		Jicarilla Apache		36						

Remarks

Age-grade Chart.

Grade	Sex	Age *																			21 and over	Totals
		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20				
Special Classes	B																					
	G																					
Pre-Primary	B			4																4		
	G			2	1															3		
1	B					1														1		
	G			1	1															2		
2	B					2														2		
	G					0	0													0		
3	B						1	1												2		
	G						3													3		
4	B							2												2		
	G							3												3		
5	B								1	1										2		
	G								1	1										2		
6	B										1	1								1		
	G										1	1								2		
7	B											2								2		
	G										1									1		
8	B												1	1						2		
	G										1	1								2		
9	B																					
	G																					
10	B																					
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14	B																					
	G																					
Total	B			4	0	3	1	3	1	0	3		1	1						18		
	G			3	2	0	3	3	1	1	3	1	1							18		

*Use age as of January 1. Example: A pupil who has reached his 6th birthday on January 1, but not reached his 7th birthday would be called 6 years old.

R 3-1-3
Approved April 15, 1952

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

ANNUAL SCHOOL ATTENDANCE REPORT

Area	Gallup Area	School ...Jicarilla Boarding & Day School.
Agency	Jicarilla Indian Agency	P. O. Address ...Dulce, New Mexico.
School located at	Dulce, New Mexico	

Kind of School (Check X one)

- a. Reservation Boarding School (X)
- b. Non-Reservation Boarding School ()
- c. Special Consolidated School ()
- d. Day School ()

Kind of Pupils

(X) Indians	() Non-Indians
School year beginning August 24, 1953...	and ending May 14, 1954

Superintendent's Certificate

I have examined this report and believe it to be complete and accurate.

Teacher's or Principal's Certificate

I certify that this report was prepared by me, or under my direction, and that the information given is true and correct to the best of my knowledge and belief.

Signed

..... Date :
Superintendent

Signed _____

Samuel Rosenberg
Teacher of Principal
Reservation Principal

Date _____

Enrollment and Attendance

1. Total days school was in session *
2. Number of pupils enrolled
3. Aggregate attendance in days by all pupils
4. Average daily attendance (Divide item 3 by item 1)
5. Aggregate days all pupils were enrolled
6. Average daily enrollment (Divide item 5 by item 1)
7. Percent of attendance (Divide item 3 by item 5)
8. Average number of days each pupil attended (Divide item 3 by item 2)
9. Number of pupils expelled from school during this year
10. Number of pupils expelled after opening of school
11. Number of high school diplomas issued

*See directions before making any entries for this item.

Total--All Grades		BOYS	GIRLS	TOTAL
	1111	250		
	105	125		230
	1111	54086		
	1111	216.3		
	1111	55825		
	1111	223.3		
	1111	97.9		
	1111	235.2		
	00	00		
	8	11		19
	00	00		00

Degree of Indian Blood	BOYS	GIRLS	TOTAL
12. Number full blood	105	125	230
13. Number three-quarters			
14. Number one-half			
15. Number one-quarter			
16. Number less than one-quarter			
17. Total number of pupils	105	125	230

Adult Education	MEN	WOMEN	TOTAL
18. Number of individuals using facilities			
19. Aggregate days facilities were used (count 5 hrs. participation one day)			

Tribes and Reservations Represented

20	NAME OF TRIBE	21	NAME OF RESERVATION	22	NUMBER PUPILS	20	NAME OF TRIBE	21	NAME OF RESERVATION	22	NUMBER PUPILS
	Jicarilla Apache		Jicarilla Apache		206						
	Navajo		Navajo		24						

Remarks

Age-grade Chart.

Grade	Sex	Age *																			21 and over	Totals
		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20				
Special Classes	B																					
	G																					
Pre-Primary	B			8	1															9		
	G			18	1															19		
1	B			1	12	2	1													16		
	G			2	5	2														9		
2	B					10	2			1										13		
	G					11	1	1												13		
3	B					1	5	5	2											13		
	G					2	8	6												16		
4	B							8	3	1										12		
	G						2	11	1		3									17		
5	B							1	1	5	2									9		
	G							1	9	1										11		
6	B									5	4	1								10		
	G								2	8	6	1	1							18		
7	B										7	2	5	1						15		
	G									1	4	7		1						13		
8	B										1	1	5		1					8		
	G										1	4	3	1						9		
9	B																					
	G																					
10	B																					
	G																					
11	B																					
	G																					
12	B																					
	G																					
13	B																					
	G																					
14	B																					
	G																					
Total	B			9	13	13	8	14	6	12	14	4	10	1	1					105		
	G			20	7	15	11	19	12	9	14	12	4	2						125		

*Use age as of January 1. Example: A pupil who has reached his 6th birthday on January 1, but not reached his 7th birthday would be called 6 years old.

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5-246
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Read directions on back page

R 3-1-3
Approved April 15, 1952UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

ANNUAL SCHOOL ATTENDANCE REPORT

Area Gallup Area
 Agency Jicarilla Indian Agency
 School located at Dulce, New Mexico
 School Jicarilla Boarding & Day School
 P O Address Dulce, New Mexico

Kind of School (Check X one)

- a. Reservation Boarding School () c. Special Consolidated School ()
 b. Non-Reservation Boarding School () d. Day School (X)

Kind of Pupils

(X) Indians () Non-Indians
 School year beginning August 24, 1953 and ending May 14, 1954

Superintendent's Certificate

I have examined this report and believe it to be complete and accurate.

Teacher's or Principal's Certificate

I certify that this report was prepared by me, or under my direction, and that the information given is true and correct to the best of my knowledge and belief.

Signed

A. W. Galbraith, Superintendent

Date

Signed

Samuel Rosenberg
 Reservation Principal

Date

4-15-54

Total—All Grades

Enrollment and Attendance

- Total days school was in session*
- Number of pupils enrolled
- Aggregate attendance in days by all pupils
- Average daily attendance (Divide item 3 by item 1)
- Aggregate days all pupils were enrolled
- Average daily enrollment (Divide item 5 by item 1)
- Percent of attendance (Divide item 3 by item 5)
- Average number of days each pupil attended (Divide item 3 by item 2)
- Number of pupils expelled from school during this year
- Number of pupils enrolled after opening of school
- Number of high school diplomas issued

*See directions before making any entries for this item.

BOYS	GIRLS	TOTAL
X X X	X X X	180
31	25	56
X X X	X X X	3923
X X X	X X X	496
X X X	X X X	10080
X X X	X X X	560
X X X	X X X	385
X X X	X X X	1593
0	0	0
0	0	0
0	0	0

Degree of Indian Blood

	BOYS	GIRLS	TOTAL
12. Number full blood	31	25	56
13. Number three-quarters			
14. Number one-half			
15. Number one-quarter			
16. Number less than one-quarter			
17. Total number of pupils	31	25	56

Adult Education

	MEN	WOMEN	TOTAL
18. Number of individuals using facilities			
19. Aggregate days facilities were used (count 5 hrs. participation one day)			

Tribes and Reservations Represented

20 NAME OF TRIBE	21 NAME OF RESERVATION	22 NUMBER PUPILS	20 NAME OF TRIBE	21 NAME OF RESERVATION	22 NUMBER PUPILS
Jicarilla Apache	Jicarilla Apache	56			

Remarks

Age-grade Chart.

Grade	Sex	Age *																			21 and over	Totals
		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20				
Special Classes	B																					
	G																					
Pre-Primary	B			2																2		
	G			3																3		
1	B				7															7		
	G				4															4		
2	B					4														4		
	G				1	1														2		
3	B						4													4		
	G						1	1												2		
4	B							2	2											4		
	G							3												3		
5	B								4	1										5		
	G								3											3		
6	B									1										1		
	G									2	1	1								4		
7	B										2		1							3		
	G										1	1								2		
8	B											1								1		
	G											1	1							2		
9	B																					
	G																					
10	B																					
	G																					
11	B																					
	G																					
12	B																					
	G																					
13	B																					
	G																					
14	B																					
	G																					
Total	B			2	7	4	4	2	6	2	2	1	1							31		
	G			3	5	1	1	4	3	2	2	3	1							25		

*Use age as of January 1. Example: A pupil who has reached his 6th birthday on January 1, but not reached his 7th birthday would be called 6 years old.

EXPLANATIONS AND DIRECTIONS

A. General

1. Superintendents or other officers in charge of agencies are responsible for making this report as of June 30, each year.
2. Superintendents should send the original of their reports to the Area Director. Area Directors will tabulate the reports by states, agencies and tribes and submit a summary report to the Washington Office.
3. A separate sheet is to be used for each tribe and each reservation, and also for a summary of the entire agency. *For example, an agency contains two reservations and each reservation has Indians of two tribes, five of these sheets would be filled in, one being a summary of the other four. (On the sheet used for the summary, write the word "Summary" in the space provided for "Tribe.")*
4. Information on Form 5-255b, Permanent School Census Card, is used as the source of information for this report. A School Census Card shall be kept for each Indian child of school age on the reservation.
5. Include all children who are enrolled as Indians at your agency regardless of where they live or attend school. Do not include in this report any children from other agencies who attend school in your jurisdiction, except to indicate the number under item 6. Make a report of such children to the superintendent of the agency where they are enrolled as Indians.
6. Group individuals in accordance with the classifications given. All children are grouped under the two main headings: (1) Those between 6 and 18 years of age, and (2) those under 6 or over 18 who are actually enrolled as pupils in school. Ages "6 to 18" are determined by considering December 31 of any year as the dividing line. By referring to the year of birth you can determine quickly the class into which each individual falls. For example, for the report of June 30, 1950, all born in 1944 or later and all born in 1931 or before will be closed in the group "under 6 or over 18"; while those born in 1932 to 1943 inclusive, will be closed in the "6 to 18" group.

B. Specific Items

"1. Total number of children on active Permanent School Census Cards" is the number on the current school census which should include those from 6 to 18 years of age, regardless of whether they are enrolled in school, and those under 6 or over 18 who are enrolled in school.

"1b. Number of children to be accounted for in this report" includes only children of one-quarter or more degree Indian. This would be the number on your current school census cards less the number that are not one-quarter Indian (Item 1 minus 1a.).

Directly under Item 1.b, please account for the number given in Item 1 by states, for example write: Calif. 640, Ariz. 268, etc. If all are in one state please write "all in _____"
Name of state

"2. Total number of children" includes all to be accounted for in this report, and the sum of entries in columns 4 and 7 equals the entry in item 1.b.

"3. Total number enrolled in all schools" is the sum of items 3.a, 3.b, 3.c, 3.d, 3.e and 3.f.

"3b. Total number in all Federal schools" is the sum of items 3.a(1), 3.a(2), 3.a(3), and 3.a(4).

"3(a). Sanatoria." A child in a sanatorium is considered "enrolled" for statistical purposes; he is not listed under "Physically unfit."

"3c. Total number in mission and private schools" is the sum of items 3.c(1) and 3.c(2).

"3d. Special schools and institutions" are institutions for the deaf, blind, feeble-minded, or delinquents.

"3f. Vocational Schools." Under this item, consider only vocational schools that are not Federal.

"4. Number not enrolled in any school" is the sum of 4.a, 4.b and 4.c.

"4a. For valid reasons" is the sum of 4.a(1), 4.a(3) and 4.a(4).

"5. Definite information not available." Since you account only for children having one-quarter or more degree Indian blood, the number for whom definite information is not available should be very small.

Note: If explanations given above are inadequate, you should write for further clarification. Check and double check to see that the report is complete and accurate in all respects.

X Ed. Adm.
5-255
Revised 1952

12-RC3083
Approval Expires 3-31-54

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UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Census of Indian Children

For fiscal year ended June 30, 1953

Reservation Jicarilla ApacheAgency Jicarilla Indian AgencyReport made by Eva Ann HauserTribe Jicarilla ApachePosition Teacher, ElementaryApproved by Samuel Rosenberg, Reservation Principal Superintendent.Date May 8, 1953

Read explanations and directions on reverse side.

1. Total number of children on active Permanent School Census Cards 366
- a. Number of these children less than one-quarter degree Indian 0
- b. Number of children to be accounted for in this report (one-quarter or more degree Indian) 366
- Note: Item 1 by States All in New Mexico.

Classification of Children	All children 6 to 18 years of age			Children under 6 or over 18 years of age enrolled in school		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
	2	3	4	5	6	7
2 Total number of children (Item 1.2)	167	177	344	9	13	22
a. Number living on this reservation	165	174	339	9	12	21
b. Number living on other reservations	2	3	5	0	1	1
c. Number not living on any reservations						
d. Residence unknown						
3 Total number enrolled in all schools	165	173	338	9	13	22
a. Total number in public schools	9	8	17	0	0	0
b. Total number in all Federal schools	156	164	320	9	13	22
(1) Federal day schools	19	19	38	0	0	0
(2) Reservation boarding schools	115	126	241	1	2	3
(3) Nonreservation boarding schools	22	19	41	7	9	16
(4) Sanatoria						
c. Total number in mission and private schools						
(1) Mission and private day schools						
(2) Mission and private boarding schools						
d. Special schools and institutions	0	1	1	0	0	0
e. Colleges and universities	0	0	0	1	2	3
f. Vocational schools						
4 Number not enrolled in any school	2	4	6			
a. For valid reasons						
(1) Physically unfit	0	1	1			
(2) Mentally unfit						
(3) Married	0	1	1			
(4) Other reasons	2	2	4			
b. Without valid reasons						
c. Reasons unknown						
5. Definite information not available						

6. Number from other reservations, not included above, but living on this reservation and reported to the agency superintendent where the children are enrolled as Indians (Sum of 6.a, 6.b, and 6.c) 2
- a. Number 6 to 18 enrolled in Federal schools 0
- b. Number 6 to 18 not enrolled in any school 0
- c. Number under 6 or over 18 enrolled in school

JUVENILE DELINQUENCY

190c

Ed. Adm.
5-255
Revised 1952

C o p y

12-R3083
Approval Expires 3-31-54

UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Census of Indian Children

For fiscal year ended June 30, 1954

Reservation Jicarilla ApacheAgency Jicarilla Indian AgencyReport made by Charles H. RogersTribe Jicarilla ApacheApproved by Samuel Rosenberg, Reservation Prin. SuperintendentPosition Teacher, Supervisory, ElementaryDate May 14, 1954

Read explanations and directions on reverse side.

1. Total number of children on active Permanent School Census Cards 409
- a. Number of these children less than one-quarter degree Indian 0
- b. Number of children to be accounted for in this report (one-quarter or more degree Indian) 409
- Note. Item 1 by States All in New Mexico.

Classification of Children	All children 6 to 18 years of age			Children under 6 or over 18 years of age enrolled in school		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
	2	3	4	5	6	7
2. Total number of children (Item 1 2)	174	208	382	15	12	27
a. Number living on this reservation	168	201	369	15	12	27
b. Number living on other reservations	6	7	13	0	0	0
c. Number not living on any reservations						
d. Residence unknown						
3. Total number enrolled in all schools	161	199	360	15	12	27
a. Total number in public schools	8	6	14	0	0	0
b. Total number in all Federal schools	153	193	346	14	12	26
(1) Federal day schools	37	43	80	0	0	0
(2) Reservation boarding schools	105	125	230	0	0	0
(3) Nonreservation boarding schools	11	25	36	14	12	26
(4) Sanatoria						
c. Total number in mission and private schools						
(1) Mission and private day schools						
(2) Mission and private boarding schools						
d. Special schools and institutions						
e. Colleges and universities	0	0	0	1	0	1
f. Vocational schools						
4. Number not enrolled in any school	13	9	22			
a. For valid reasons						
(1) Physically unfit	0	1	1			
(2) Mentally unfit						
(3) Married	0	2	2			
(4) Other reasons	2	1	3			
b. Without valid reasons						
c. Reasons unknown	11	5	16			
5. Definite information not available						

6. Number from other reservations, not included above, but living on this reservation and reported to the agency superintendent where the children are enrolled as Indians (Sum of 6.a, 6.b, and 6.c) 28
- a. Number 6 to 18 enrolled in Federal schools 0
- b. Number 6 to 18 not enrolled in any school 0
- c. Number under 6 or over 18 enrolled in school

Senator Langer. I believe we will take up the Short Creek matter now.

Mr. Chumbris. We are now going into executive session. That will complete the open session for today.

(Whereupon, at 6 p. m., Thursday, April 28, 1955, the subcommittee adjourned to go into executive session, and to reconvene in open session at 9 a. m., Friday, April 29, 1955.)

JUVENILE DELINQUENCY

(Indians)

FRIDAY, APRIL 29, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
To INVESTIGATE JUVENILE DELINQUENCY,
Phoenix, Ariz.

The subcommittee met, pursuant to adjournment, at 9 a.m. in the House of Representatives chambers, State Capitol Building, Phoenix, Ariz., Senator William Langer presiding.

Present: Senator Langer.

Also present: Peter N. Chumbris, associate counsel; and Lee McLean, editorial director.

Senator LANGER. The meeting will be in order.

Mr. CHUMBRIS. I will call Mr. Guy Williams and Mr. George Canote.

Senator LANGER. How many witnesses do you have here this morning?

Mr. CHUMBRIS. I should judge about 15.

Senator LANGER. Will you have them all stand up and be sworn, please?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

(The witnesses were duly sworn.)

TESTIMONY OF GUY WILLIAMS, SUPERINTENDENT, UNITED PUEBLO AGENCY, AND GEORGE CANOTE, SPECIAL OFFICER, UNITED PUEBLO AGENCY, ALBUQUERQUE, N. MEX.

Mr. CHUMBRIS. Will you please state your full name?

Mr. WILLIAMS. My name is Guy C. Williams and I am general superintendent of the United Pueblo Agency at Albuquerque, N. Mex.,

Mr. CHUMBRIS. What is your address?

Mr. WILLIAMS. Do you want my official address?

Mr. CHUMBRIS. Yes.

Mr. WILLIAMS. 1000 Indian School Road, Albuquerque, N. Mex., post-office box 1346.

Mr. CHUMBRIS. And will you give your full name and address, please?

Mr. CANOTE. George W. Canote, special officer, United States Indian Service, United Pueblo Agency, Albuquerque, N. Mex.

Mr. CHUMBRIS. Mr. Williams, do you have a prepared statement?

Mr. WILLIAMS. I have a statement which I would like to turn over to the subcommittee at its completion, and for the record.

I would like to review this statement briefly first, if I may.

Mr. CHUMBRIS. How long have you been with the Indian Service?

Mr. WILLIAMS. About 28 years.

Mr. CHUMBRIS. How long have you been superintendent at the Albuquerque office?

Mr. WILLIAMS. A year ago last April.

Mr. CHUMBRIS. And how long have you been in the Southwest area?

Mr. WILLIAMS. At various times in the 28 years, I spent about 8 years here.

Mr. CHUMBRIS. Well, you may proceed with your statement.

Mr. WILLIAMS. The United Pueblo Agency serves 18 Pueblos, and in addition to the 18 Pueblos, the Zuni and the Alamo and Canoncito off-reservation Navaho communities in New Mexico as a direct agency responsibility.

The total land held by Indians under this agency consists of 1,430,656 acres, scattered in 20 separate units from Taos on the north to Alamo, which is near Magdalena, N. Mex., on the south, to Grants on the west.

These Pueblo lands are not all contiguous to one another. Some of them are, but there is patented land, a great deal of patented land between each of the Pueblos.

On this land base, there is an estimated 3 percent which is irrigable, and of the amount which is irrigable, only about half of it is actually irrigated.

The total enrollment of Indians under this agency is 16,045, as of last January first records.

At this point I would like to explain that each of these 18 Pueblos or villages—

Senator LANGER. Pardon me, please, but I did not get the number, was it 1,600 or 16,000?

Mr. WILLIAMS. Sixteen thousand and forty-five.

Each of these Pueblos or villages, as we often think of them has a separate and independent government.

Each of the governments are recognized by the Department of the Interior and the Bureau, and we, therefore, must do business with each one of them separately.

This is different than most people visualize it inasmuch as we refer to it as an agency and commonly we have 1 or 2 tribes under an agency, and here we have 18 different tribal governments with which we must deal.

Mr. CHUMBRIS. Could you give us the locations of those at this time, so that we will have an idea where those reservations are? They are in New Mexico, is that correct?

Mr. WILLIAMS. That is right, they are all in New Mexico.

Mr. CHUMBRIS. They run right through the central part of the State?

Mr. WILLIAMS. They run up and down the Rio Grande River, for the most part.

Mr. CHUMBRIS. How many acres?

Mr. WILLIAMS. 1,430,656.

Mr. CHUMBRIS. That is for the total of the 18 different tribes?

Mr. WILLIAMS. That is right.

Mr. CHUMBRIS. And they have separated almost on a string?

Mr. WILLIAMS. They start from Taos on the north down from the river valley there to Isleta which is south of Albuquerque, and then they go west to Grants, and then the Alamo communities are west of Albuquerque, one of them is almost down to Magdalena, N. Mex.

At this point, too, I would like to say that the absence of the officials from these respective Pueblos should not be interpreted in any way to indicate their lack of interest in these hearings, nor any lack of concern about the problems being considered by this subcommittee.

There are many factors which made it impossible for these officials to be here and they are very regretful about that.

These officials all serve without pay and in very, very few cases are they ever reimbursed for any expenses that they may incur in connection with their official duties. It is all gratuitous, so far as they are concerned.

Now, with respect to education activities, the United Pueblo Agency operates 21 day-schools, beginners through the sixth grade.

There is one day-school at Taos, which operates from beginners through the ninth grade.

There is one nonreservation Indian boarding school at Santa Fe; there is a nonreservation boarding school at Albuquerque.

And there is an elementary reservation boarding school at Alamo, which runs through the sixth grade.

The enrollment in the day-schools is 2,024.

The enrollment in the Albuquerque Indian School is 970 and the enrollment in the Santa Fe Indian School is 462, which makes a total enrollment in the Federal schools of 3,456.

The Indians in public schools number 2,653.

Senator LANGER. Are the first children in parochial schools?

Mr. WILLIAMS. They are in Government schools.

Senator LANGER. No parochial schools?

Mr. WILLIAMS. We have some Indians in parochial schools but I do not have those figures.

Senator LANGER. Very well.

Mr. WILLIAMS. So that in public schools there are 2,653, making a total enrollment in Government and public schools of 6,109.

Now, we have a little problem there about the enrollment of children in schools. They all want to go to school. Of those enrolled in Federal schools, those that drop out only number about 6 percent; of those not enrolled for 1953 and 1954, there were 362 children of school age that were not enrolled, and about 40 percent of this number did not enroll for valid reasons such as some of the girls got married, or maybe their health would not permit it, and so forth.

Senator LANGER. Where can this subcommittee get the number of Indian children who are in parochial schools?

Mr. WILLIAMS. I think we can furnish you with that, Senator, and we will be glad to do that.

Senator LANGER. If we can get that figure, then we can tell the percentage of children in school.

Mr. WILLIAMS. We can give you a good estimate.

Senator LANGER. What is your estimate?

Mr. WILLIAMS. I cannot give it to you now, but we can get those figures for you.

Senator LANGER. What is the New Mexico, 16 years?

Mr. WILLIAMS. That is right.

One of the most pressing problems in education, insofar as the United Pueblo Agency is concerned, is developing into one of classroom space. The buildings which are being utilized for education are rather old and they were built at a time when the demand, or the population did not demand, as much schoolroom space as it does today.

The population of the Indians is increasing, and has materially increased, since the war.

Senator LANGER. Mr. Chumbris, I see that there are some more Indians who have come into the room. Are there any chiefs here?

Mr. CHUMBRIS. Yes, sir; they have testified.

Senator LANGER. Are there any other chiefs here today who were not here yesterday?

Mr. CHUMBRIS. Are there any new ones, Mr. Haverland?

Mr. HAVERLAND. I think they were all here yesterday.

Mr. CHUMBRIS. They were all here yesterday, Senator.

Senator LANGER. Well, if any of them want to come up, any of the chiefs of the tribes, invite them up.

Mr. CHUMBRIS. The chairman has invited all of the tribal chiefs to come up here and sit around the table, if you so choose.

Senator LANGER. They are invited not only to come up and sit here but to ask questions, if they care to.

Mr. CHUMBRIS. Yes.

All right, Mr. Williams.

Mr. WILLIAMS. Another problem in education involves the financing of higher education. Many of the young people feel that they do not want to be burdened with a loan, which has to be paid off after they have graduated from college. It comes at a time when they are looking for a new job. Many of them want to get married, so they do not want to look forward to paying off a loan; many of them do not care to do that.

It has been the talk among tribal leaders and Indians there for some time that they would like to have, or would appreciate having, some sort of a grant which would enable more of their young people to obtain a college education.

Senator LANGER. This land is all owned by the tribe?

Mr. WILLIAMS. That is right.

Senator LANGER. Is there any way an Indian can get a piece of land and actually own it permanently for their own home?

Mr. WILLIAMS. No, sir.

Senator LANGER. All right.

Mr. CHUMBRIS. As to this grant, would that be an out-and-out grant rather than a loan—is that correct—for educational purposes?

Mr. WILLIAMS. That is correct.

Mr. CHUMBRIS. It would be similar to the GI benefits?

Mr. WILLIAMS. That is right; that is where they got their idea, I think.

Mr. CHUMBRIS. Go right ahead.

Senator LANGER. How many of those boys were in the service?

Mr. WILLIAMS. We have no record of that, Senator, but I would answer it this way: That the Pueblo people are very patriotic; many

of them volunteered; they did not wait to be called; and I am sure that the percentage of the Pueblo Indians who were in the war is just as high, or perhaps higher, than it is with the other populations.

Senator LANGER. But the veterans cannot get GI loans?

Mr. WILLIAMS. That is correct.

Senator LANGER. Can they get loans to buy cattle?

Mr. WILLIAMS. No; they have not been successful.

Senator LANGER. White men can, can't they?

Mr. WILLIAMS. Yes, sir.

Senator LANGER. Then why can't Indian veterans get loans?

Mr. WILLIAMS. It seems to be a case of collateral.

Senator LANGER. What is that?

Mr. WILLIAMS. They cannot furnish the right kind of guaranty, collateral, and so forth. They cannot get the right kind of title to the collateral.

Mr. CHUMBRIS. They can get GI educational loans, can't they?

Mr. WILLIAMS. Yes. I am sorry.

Mr. CHUMBRIS. All of the veterans can go to college?

Mr. WILLIAMS. Some of the GI's have gone to college on GI loans.

Mr. CHUMBRIS. Some of the North Dakota GI's complained of the fact that it took at least from 3 to 4 months before the GI benefits would reach them. In other words, let's say they went to school in September; it would take until January, possibly, before they could receive the benefits, and there was no way for them to receive any money during the interim to tide them over, in order to get them to school, to help pay for the transportation to the schools, to keep them clothed and fed, and everything else until the checks started coming in.

Did you have any problems along that line? They did in North Dakota.

Mr. WILLIAMS. No, sir; I have heard no comments of that nature among the Indians.

Mr. CHUMBRIS. Because up there the area office was taking into consideration some plan whereby they would be given an advance to tide them over until the checks started coming in from the Government on the GI educational plan. You have had no such trouble?

Mr. WILLIAMS. We have had no comments of that nature at all.

Senator LANGER. How many of these veterans really got the loan?

Mr. WILLIAMS. I cannot answer that, Senator. I just happen to personally know of 2 or 3, but we have no statistics on it. We have never made a survey of it.

Senator LANGER. Will you get those statistics? We want those. In some of these tribes they were able to make loans on the cattle. Did any of your Indians get any cattle loans?

Mr. WILLIAMS. Not to my knowledge. I know some of them tried but they failed.

Senator LANGER. They have got cattle, haven't they, some of them?

Mr. WILLIAMS. Yes.

Senator LANGER. Why can't they get a loan to buy more cattle?

Mr. WILLIAMS. We have recently been exploring that in the case of two Indians on the Acoma, who have been attempting to get some loans, and it seems that they do not meet the criteria which is required by the Farm Home Administration.

Senator LANGER. What is that criteria that a white man can get a loan on 50 head of cattle and the Indian cannot?

Mr. WILLIAMS. In these particular cases it seemed to be that the Indians were working outside for wages and they felt that if the Indians lost their jobs that they would not be in a position to repay. In other words, it was not an economic unit, I suspect.

Senator LANGER. Well, a white man with 10 head of cattle can get a loan; why can't an Indian who fought for his country get one?

Mr. WILLIAMS. I cannot answer that. I think they should be able to get it.

Senator LANGER. Do you know anything about the interest rates?

Mr. WILLIAMS. I beg your pardon?

Senator LANGER. Do you know anything about the interest rates?

Mr. WILLIAMS. No; I do not know anything about them.

Senator LANGER. As to whether they have been raised lately or not?

Mr. WILLIAMS. I have no knowledge of that.

Senator LANGER. Will you check into that, Mr. Chumbris? We want to find out.

Mr. CHUMBRIS. Yes.

Mr. WILLIAMS, do you have a revolving fund?

Mr. WILLIAMS. No; we do not.

Mr. CHUMBRIS. Could you explain why you do not have a revolving fund on those reservations?

Mr. WILLIAMS. Well, the Indians have not made any demand for that type of fund. Now, we do have one loan activity with the Santa Clara Indians which is set up out of their own money, and they make their own loans under the regulations which were established by the Department, but that is the only one we have. There is no Government money in the Pueblo reservations.

Senator LANGER. As the tribe testified yesterday, there was one that borrowed \$72,000 and they paid it back in cattle loans; they paid it all back but \$160, and there was a dispute as to that, and that might have been paid back; maybe they didn't owe it. They borrowed \$72,000 at 3 percent and they paid it all back, yet the Government suddenly stopped making loans to those Indians on their cattle. Do you know anything about that?

Mr. WILLIAMS. There is nothing of that nature on our reservation.

Senator LANGER. Why can they make cattle loans on one reservation and not on another?

Mr. WILLIAMS. Well, if I remember the testimony correctly yesterday, that was a revolving loan fund and we don't have any of that money.

Senator LANGER. But they got the money from the Government.

Mr. WILLIAMS. That is right.

Senator LANGER. Now, why isn't there a revolving loan fund in your tribe the same as in the other tribe?

Mr. WILLIAMS. The Indians apparently have not felt that they wanted to take advantage of this revolving fund loan.

Senator LANGER. They have got 1,400,000 acres of land. What are they doing with the land?

Mr. WILLIAMS. The land is mostly grazing land. There is only approximately 22,000 acres of it that is irrigated, and they do some farming.

Senator LANGER. Do any white men have any leases on those 22,000?

Mr. WILLIAMS. No, sir.

SENATOR LANGER. It is all set aside for the Indians?

MR. WILLIAMS. That is right. The only outside leases are some business leases, just along the highway, where there might be a small site leased for a gas station or something like that.

MR. CHUMBRIS. Mr. Williams, you stated that the Pueblos have not taken advantage of the revolving loan fund plan: is that correct?

MR. WILLIAMS. That is right.

MR. CHUMBRIS. They could apply for that, couldn't they?

MR. WILLIAMS. They could, but the main reason, I think, that these Indians are not interested—and when I say they are not interested, perhaps that is not the correct word—but they have no place to put their cattle. They have cattle, and if they were going to go into the cattle business they would probably want to take advantage of this revolving loan fund, but the grazing base in these Pueblos is all filled up; in fact, it is overstocked because of the drought. So there is actually no need, no good use, that they could put the money to.

SENATOR LANGER. Are those cattle owned in community property?

MR. WILLIAMS. No, sir; they are individually owned.

SENATOR LANGER. Well, who owns those cattle?

MR. WILLIAMS. The Indians.

SENATOR LANGER. Which Indians?

MR. WILLIAMS. The Pueblo Indians.

SENATOR LANGER. Are they owned by the tribe?

MR. WILLIAMS. No, sir; they are owned individually; each Indian owns his own cattle.

SENATOR LANGER. Suppose a young Indian comes along and he has been in the service and he wants 20 head of cattle; you say it is already overstocked; how can he get into business?

MR. WILLIAMS. We have not been able to answer that. We have that on the Isleta Reservation, and some of the rest of them down there; we have had several council meetings about it, and it is a problem. The Federal Government and the Indians will have to work out that problem. It is something that is very serious.

MR. CHUMBRIS. Do you have any recommendations on that? You have been studying the problem.

MR. WILLIAMS. Well, I think the big question involved in this whole thing is regulations which will make it possible for the Indians to know how many cattle they can run. That is only the first step, because actually, after that is determined, then there are still not enough grazing lands for the Indians to use who want to get into business.

SENATOR LANGER. Then you have got two classes of Indians? You have one class of Indians that have cattle, that are using this land, and you have another class of Indian who may want to get into the cattle business, and cannot, because there is no grazing land?

MR. WILLIAMS. I think that is correct.

SENATOR LANGER. Do you think that is fair?

MR. WILLIAMS. No, sir; I am sure it is not fair; I am sure that any Indian on any of the pueblos who wants to get into the cattle business has just as much right to get into it as those who are already in the cattle business; but so long as this range won't support what is on it, I don't know how it can be done. It is a pretty difficult problem.

SENATOR LANGER. Well, is there any one Indian that owns, say, a thousand head of cattle?

Mr. WILLIAMS. No, sir.

Senator LANGER. What is the largest heard any one Indian has?

Mr. WILLIAMS. 100 to 150.

Senator LANGER. All right.

Mr. CHUMBRIS. Do any of the Pueblos take advantage of the FHA Act? Did they take advantage of loans under that act?

Mr. WILLIAMS. We have had some; yes.

Mr. CHUMBRIS. The ones that try to obtain loans under that act, do they have any difficulty in obtaining a loan because of the limitations within the act, such as title to the land, in being able to obtain collateral, or being able to get a clearance from the county committee that approves these loans? Do you have any difficulties along that line?

Mr. WILLIAMS. The things that have been worked out up to date have been pretty much satisfactory. There have been a few turned down, but I think the FHA is making a very strong effort to get their regulations revised, and to get this thing working so that the Indians can participate.

Senator LANGER. They have had years and years and years in which to do it, and they have not done it yet; isn't that true?

Mr. WILLIAMS. Well, there has been some difficulty, but I do think they are making a very determined effort.

Senator LANGER. Here is a young Indian veteran, and he wants to get married and have a family, and you tell me he cannot get a cattle loan; there is no place for him to get a loan for a house. Is that true?

Mr. WILLIAMS. I think that is correct.

Senator LANGER. You say he can get a job, but that job may be 50 or 100 miles away from his home; isn't that true?

Mr. WILLIAMS. It could be; yes.

Senator LANGER. So he would be away from his family, if he got a job he would be away from home; wouldn't he?

Mr. WILLIAMS. Correct.

Senator LANGER. Do you think that is a desirable way to establish a home?

Mr. WILLIAMS. No; it is not. Of course, the cases I referred to previously happened to be where these two boys were working close to home, and they stayed at home every night.

Mr. CHUMBRIS. Mr. Williams, I take it from your testimony that the Pueblos have been able to get along without the need for a revolving fund plan to obtain loans; is that correct?

Mr. WILLIAMS. That is correct.

Mr. CHUMBRIS. In view of the testimony of other witnesses yesterday and witnesses in North Dakota, that on some reservations they have need and have difficulty in getting loans, and on other reservations, there is not such a great need, nor is there such great difficulty in obtaining loans; is that correct?

Mr. WILLIAMS. I think so.

Mr. CHUMBRIS. So then it would go to the particular reservations which have difficulty, and which do not have difficulties?

Mr. WILLIAMS. I think so.

Mr. CHUMBRIS. So what would apply to some of the troubles that came out yesterday would not necessarily apply to the Pueblo Indians?

Mr. WILLIAMS. That is correct. I think the problems vary from reservation to reservation.

Mr. CHUMBRIS. And, as you see it now, there are no recommendations that you have to make to this subcommittee, which this subcommittee can either take up with the Indian Bureau, or with Congress, which would either require an amendment of the existing regulations before the administrative body, or amendments to the existing law which Congress has jurisdiction over to correct any difficulty in either the law or the regulation?

I hope my last question did not confuse you.

Mr. WILLIAMS. Well, I don't believe that we are prepared to make any recommendations on that.

Mr. CHUMBRIS. So far as your Pueblo Indians are concerned, they are satisfied with the law, and they are satisfied with the rules and regulations promulgated by the Interior Department or the Agriculture Department, as to loans obtainable by the Indians on those reservations?

Mr. WILLIAMS. Well, I won't say they are exactly satisfied. The Indians would like to get more loans.

Mr. CHUMBRIS. If they are not satisfied, please tell us about it.

Mr. WILLIAMS. The Indians would like to get loans with which to build houses, just like we were talking about awhile ago, they would like to get loans that would make it possible to increase their land base through some method.

Mr. CHUMBRIS. Have they been able to obtain any loans under the Federal housing plan?

Mr. WILLIAMS. No; they have not.

Mr. CHUMBRIS. Have they tried?

Mr. WILLIAMS. I don't know how much.

Mr. CHUMBRIS. You heard our recommendation of yesterday that was made by the subcommittee in the interim report, that a direct-loan plan be provided by Congress, where the money will be loaned directly to the Indians from one of the administrative agencies, depending upon which Congress determines, without the usual restrictions that you find under the Federal Housing Act or the Farmers' Home Administration Act.

Do you think that such a plan would be feasible and acceptable to the Indian people?

Mr. WILLIAMS. I listened to the testimony yesterday and I think it would be both feasible and beneficial to the Indians.

Senator LANGER. Now, Mr. Williams, doesn't it strike you as peculiar that our Government would send \$42 billion to foreign countries, so that foreign refugees and escapees could build homes in Europe and get jobs and be rehabilitated, and yet our Government does not take care of our own Indians?

Mr. WILLIAMS. We would certainly like to see the Indians taken care of.

Senator LANGER. You know, right now, the President made a recommendation to send \$3½ billion to foreign countries for economic aid, as you know.

Mr. WILLIAMS. Yes.

Senator LANGER. And part of the military aid.

But coming back to the economic aid, we have gone over to the foreign countries and we have built roads for them there. You can go from Vienna to Salzburg with roads built by the United States. There are dams there that are built with American taxpayers' money.

There are beautiful homes that were built over there, some of them costing some eight to ten thousand dollars, for some of those refugees.

Don't you think that our Government should have taken care of our own people first?

MR. WILLIAMS. I think it would have been much better.

MR. CHUMBRIS. Mr. Williams, do you have anything further to add? If not, I would like to ask Mr. Canote some questions on law and order.

MR. WILLIAMS. I would like to get to that in just a moment, if I may.

SENATOR LANGER. Mr. Chumbris, I would like to ask Chief House through the interpreter about young Indians and see what the chief has to say about it.

MR. CHUMBRIS. Did you hear the Senator's question?

THE INTERPRETER. Yes, sir.

He said that they don't need that money, but he doesn't think that his tribe needs it, but knowing that these Indians in the Pueblos and other tribes do need this money, he thinks that they should be helped out before the people of foreign countries are helped out.

SENATOR LANGER. Is there any Pueblo Indians in the crowd?

MR. WILLIAMS. To my knowledge, there is not.

THE INTERPRETER. Chief Jack House thinks it is the duty of the United States, on account of this being the Indians' land in the beginning, and these Indians were here when the white people came here, that they should be helped, certainly before other countries.

MR. CHUMBRIS. Mr. Williams, I understand that Mr. Canote is now going to go into law and order; is that correct?

MR. WILLIAMS. That is correct.

MR. CHUMBRIS. George, will you proceed with your statement on law and order on the reservation?

First, let us have a little of your background.

How long have you been with the Indian Service?

MR. CANOTE. I started in February 1934, as a special officer in the Indian Service.

MR. CHUMBRIS. In what area?

MR. CANOTE. I worked in Wisconsin, Minnesota, South Dakota, Colorado, Arizona, and New Mexico, and some in Oklahoma.

MR. CHUMBRIS. How long have you been in the New Mexico area?

MR. CANOTE. This time since February of 1951.

MR. CHUMBRIS. George, you are of Indian blood; are you not?

MR. CANOTE. That is right.

MR. CHUMBRIS. Of which tribe?

MR. CANOTE. The Menominees of Wisconsin.

MR. CHUMBRIS. Well, you may proceed now with your statement.

MR. CANOTE. If it is permissible, I would like to preface my remarks that I have with this statement:

For many years, I believe that Public Law 280 probably will not be applied, or should not be applied in the New Mexico area. The State people, including the Governor, and many of our Indian people, have declared that they are not ready, willing, or able to apply Public Law 280 to their law and order problems.

MR. CHUMBRIS. George, Public Law No. 280 is that law in which the Federal Government relinquishes to the State, if the State is willing to assume, jurisdiction over law and order; is that correct?

MR. CANOTE. That is correct. I would like to say in that connection that I believe that some implementation by Federal law should be

given to the tribal courts to make them more effective and more useful to the Indian communities.

Senator LANGER. Mr. Canote, the Indian Bureau is a Bureau that we have had since 1824, and that is over 125 years ago. Yet you say that the Governor and other officials of New Mexico say that these Indians are still not in shape to take over their own government there: is that right?

Mr. CANOTE. I don't think that is what I said, Senator. I said that the State government has declared itself as not ready, and the tribal governments have told us that they are not willing, to have the State law applied to their reservations in matters of law and order.

Senator LANGER. Well, how many hundred more years is it going to take before they are willing to let them assume the duties of citizenship, the same as the white man?

Mr. CANOTE. I think that may be coming faster than it has been with the change in the Indian people themselves within these different communities. Their younger element is coming to the fore, and they have different ideas on such matters.

Mr. CHUMBRIS. Is one of the reasons for the reluctance of the States to assume jurisdiction due to the fact that they are not financially able at this time to assume it without help from the Federal Government?

Mr. CANOTE. That seems to be the major difficulty.

Mr. CHUMBRIS. Now, Senator Langer and other members of the subcommittee, have a bill which will be presented to Congress, in which the Federal Government will be required to reimburse the States for the costs assumed by the States in taking over this jurisdiction of law and order. Now, if that bill should go through and the money be provided, and the plan provided under that bill would be satisfactory to the States, would that change the States' viewpoint on this subject?

Mr. CANOTE. To a large extent it would, but it would not change the Indians' attitude.

Mr. CHUMBRIS. Would you please explain the Indian viewpoint on this?

Mr. CANOTE. Many of our Indians feel that because of the political makeup of their local community governments, that they do not want to have their matters handled in the State courts because they do not feel that they would get equitable treatment, and in some respects I agree with them in that category.

Senator LANGER. You understand that Public Law 280 has an amendment submitted to it that has not yet passed Congress, but it is before the various subcommittees of the Congress, to the effect that before the law takes effect, there shall be either consultation, as it is under one amendment, or consent, as it is under the other amendment, with the Indian people, before that law becomes binding.

Mr. CANOTE. I would say that our Pueblo people in toto want the bill passed that says that their consent must be involved, not just where they are consulted.

Mr. CHUMBRIS. In other words, they prefer the amendment which requires the consent of the Indian people before the law shall be binding, rather than just consultation?

Mr. CANOTE. That is right. I might say that there are several Pueblos who would consider that type of legislation, the application of State laws to some extent to their Indian communities, but not all of them.

Senator LANGER. You said you used to be in Wisconsin?

Mr. CANOTE. That is right.

Senator LANGER. And you are a Menominee?

Mr. CANOTE. That is correct.

Senator LANGER. Well, now, the Menominees petitioned Congress 4 or 5 years ago at different times that they wanted to get away from the Indian Bureau. You know that, don't you? And finally, about 2 years ago, Congress met and we passed a law saying that they would be taken out of the Indian Bureau and that they could run their own affairs, the Menominee Tribe. When that came up, a delegation of Indians came over to the Senate and called me out, and Senator Wiley, and Senator McCarran, and they said, "This law says that in 5 years we are to run our own affairs, and we don't want it."

Mr. CANOTE. Well, Senator, I have had about 6 years experience on the Menominee Council, shortly after the war, and I was one of the first ones that began drafting for the tribe the withdrawal type of legislation. We did not petition. We were getting prepared because we knew it was coming in our direction, this so-called withdrawal. At no point did we petition.

We were finally forced, in order to get available tribal funds released, we were forced to take the withdrawal type of legislation. In view of that, we did the best we could to meet it, and it has created a lot of furore among the Menominees and the State people in Wisconsin.

Senator LANGER. Aren't they better off now that they will have charge of their own affairs and be citizens of this country, rather than being under the Indian Bureau?

Mr. CANOTE. I like that policy, but I don't like it coming so fast. The Menominee people are divided into about three different groups. I don't like to have to go into that now.

Senator LANGER. Well, this is the time to go into it. I want to know why, when an Indian tribe is as well educated as the Menominees, being one of the leading tribes of this country in education, when Congress finally says that the Indian Bureau would have no more jurisdiction over you, we passed that law, then I want to know why you don't like it.

Mr. CANOTE. Well, the Menominees agreed to it but they did not ask for it.

Senator LANGER. Well, they agreed to it, and the day we voted on it a group came up and objected to it. Now, why shouldn't the Menominee Tribe take charge of their own affairs?

Mr. CANOTE. I say, I agree with that policy but I don't think it should be thrown at them so fast.

They have had 125 years.

It is not their fault that they have been under that system for 125 years.

Senator LANGER. Well, do you think that the Government should go on interminably and forever taking care of 232,000 Indians in this country, and that they should not become citizens—

Mr. CANOTE. Well, if you can give \$42 million to Iran as an outright grant this year, you can certainly give \$5 million per year as an outright grant, and I think we can do that for our Indians also.

Senator LANGER. I agree with that.

I have not voted for any foreign aid myself, as you most likely know.

But when are the members, in your judgment, going to be able to take care of their own affairs; when are your Menominees, in your judgment, going to be able to take care of their own affairs, if they cannot do it after 125 years, and they have so many college graduates among them?

Mr. CANOTE. I would like to explain something to you in that regard. I think it was in 1946 or 1947 that I was before the Senate Interior and Insular Affairs Committee. The good Governor McFarland was chairman and Senator Watkins was on the subcommittee, and I believe Senator Miller from Idaho or Nevada.

At that time they asked us, "What do you people think about withdrawal legislation, about getting away from the Government?"

We told them that we saw it coming and that we were trying to get prepared for it.

At that time, one of the delegates and myself had gone over our census rolls and came up with an estimate, talking about intermarriage and so forth, the depletion of the blood and so forth, that by 1971, we would no longer need an enrollment law, which now requires a one-quarter degree of Menominee blood. We said that by 1971, the enrollment law, because of the dilution of Menominee blood, would be useless and we would then be ready to get out from under the Government.

Senator Watkins agreed to that, but all of a sudden they said, "We have got to get rid of you in this administration."

Senator LANGER. Well, you can call it getting rid of you if you want to, but you have 12 tribes in this country, and the Menominees is one of them, and the Indian Committee met with 12 tribes and found them to be fully capable of full citizenship. Your Menominees have millions of dollars, haven't they? They are a rich tribe?

Mr. CANOTE. They are a comparatively rich tribe.

Senator LANGER. Well, why shouldn't they, with millions of dollars of assets, after 125 years, take charge of their own affairs?

Mr. CANOTE. I would answer that this way: I would say that about two-thirds of those people are not going to be prepared to handle their individual assets if division comes. We have a good economic unit in our forest there, if it is held as an economic unit. If we divide it up into individual shares, I would say that by 1975 the State of Wisconsin would have a pretty good load of welfare cases on their hands.

Senator LANGER. Well, suppose they do? Why shouldn't they have them?

Mr. CANOTE. Well, if you like that philosophy.

Senator LANGER. The State of Wisconsin takes care of the blind and the aged and if there are some Indians among them that are destitute, why shouldn't the State of Wisconsin take care of them?

Mr. CANOTE. Well, I don't like that philosophy. I would like to see them individually responsible for themselves.

Senator LANGER. If the Indian gets the same amount of care as the white man gets, old-age pensions and hospital care and everything else, what is wrong with treating an Indian the same as a white man?

Mr. CANOTE. The thing I don't like to agree with is, that something you do that will make public charges of them.

Senator LANGER. That would make what?

Mr. CANOTE. That might make, and help make, public charges.

Mr. CHUMBRIS. Mr. Canote's point is that some of the Indian leaders do not want to have this withdrawal until they feel that the biggest majority of their people are in a position to accept first-class citizenship that they want so badly, without becoming public charges, or without being able to know how to administer their funds and their assets; is that correct, George?

Mr. CANOTE. That is right.

Now, the tribe, I know, does not know what they want to do under the plan they are required to come up with.

Senator LANGER. When John Collier became Indian commissioner there were 232,000 enrolled Indians and he went around looking all over the United States to find more Indians and he located 2,000 in New York City, he located about 2,500 more in St. Paul and Minneapolis, and he went down and got fellows who were graduates of Harvard and Yale and the leading colleges of this country and put them on the Indian rolls.

Does that make sense to you?

Mr. CANOTE. Not in all cases, no. All of those Indians, I agree, did not need Government assistance of any kind.

Senator LANGER. But it struck me that if any tribe in the United States was capable of self-government, it was the Menominees in Wisconsin, in the State where you come from. They have a large group of finely educated men and women, graduates of the University of Wisconsin, as you know.

They certainly ought to be able to take care of the millions of dollars they have got.

Mr. CHUMBRIS. I think you were proceeding with the statement that you have there, George, when we asked you these questions.

Mr. CANOTE. I lost my place.

Mr. CHUMBRIS. I think you were pointing out the position of the State of New Mexico as being against Public Law 280 at this time, assuming jurisdiction.

Mr. CANOTE. I say that we should have some implementation at this time by the Federal law to support and make better effective the tribal systems that we do now have on the several Indian communities.

In New Mexico, among our Pueblos, and the 2 Navaho groups, you might say we have 3 categories of effectiveness of tribal courts.

The first category do a pretty good job, with some help from us regular officers. They do need help, for instance, in some of their nonsupport and abandonment cases. In that category, they try their best to resolve these abandonment and nonsupport situations, they try to resolve illegitimacy situations. But supposing the father, who is alleged to be the father, is found to be in the situation of either abandonment or illegitimacy and leaves the reservation, and goes to Arizona, California, or goes into Albuquerque, then there is a question of bringing him back into the tribe for action. If he is brought back to the tribe for action, a decree is placed upon him, and the order given. If he again leaves the jurisdiction of that tribe, all you have got is a piece of paper which is not effective.

I say that we ought to have implementation, I am directing my remarks particularly against nonsupport and abandonment. I would suggest that the act be amended to make those two types of offenses—

not illegitimacy, but nonsupport and abandonment, because I do not think that illegitimacy should be classed as a criminal thing.

Senator LANGER. You don't mean to tell us that the Indian who abandons a wife and children should be treated differently than anyone else?

Mr. CANOTE. I think he should be taken care of likewise, but we cannot do it with our present legislation.

Senator LANGER. Why not?

Mr. CANOTE. There is no jurisdiction for the tribal courts to go into California or Arizona, for instance, in order to bring an Indian back to the tribe for action. If they get him back by chance, they put an order on him, and then he picks up and leaves again.

Senator LANGER. Well, you have got an attorney general of the State.

Mr. CANOTE. He has no jurisdiction in those matters.

Senator LANGER. Is that under your enabling act, your constitution?

Mr. CANOTE. We have no jurisdiction.

Senator LANGER. Is that under your enabling act?

Mr. CANOTE. I am talking about New Mexico. New Mexico has the same disclaimer of jurisdiction as North Dakota does.

Mr. CHUMBRIS. You have the same jurisdictional problems as North Dakota?

Mr. CANOTE. That is right.

Mr. CHUMBRIS. I believe under your suggestion you would like to have the 10 major crimes amended to include runaway fathers; is that correct?

Mr. CANOTE. That is right.

Mr. CHUMBRIS. And then the FBI could step in and the United States attorney's office could prosecute?

Mr. CANOTE. That is right. And I might add this, supposing a father abandons his family in New Mexico and goes to California or Oregon—we have had a number of cases like that—the United States parole system is so set up that they could let the fellow continue to work in Oregon, and then the United States Probation Parole Service could see that he sends support back to that family.

Senator LANGER. I put in exactly that kind of law. I did it after District Attorney Keating of Denver testified.

Mr. CANOTE. I read that testimony.

Senator LANGER. And yet we could not get it through Congress because a lot of Senators said that it would be an infringement on States' rights. What do they say to that argument?

Mr. CANOTE. It would not in the Indians' case because the State has no rights presently under the disclaimer in the constitution, and enabling act.

Mr. CHUMBRIS. Then as to this conflict of jurisdiction, do you have any other instances where the State feels that it is unable to act, the United States attorney's office feels it is unable to act, and the tribal court also feels that it is unable to act, and one sort of passes it over to the other?

We found instances of that in North Dakota.

Mr. CANOTE. We might find that, particularly in establishing paternity. The Federal law provides no means of approaching this function. Under the New Mexico law, as a matter of law, and ap-

parently policy, expectant single mothers must hire their own counsel in order to establish paternity. Most expectant single mothers cannot afford to do this.

The State attorney general, or the several district attorneys plan initiative action, if the kid is likely to become a public charge. This latter approach has not been fully explored, because the district attorneys often do not want to get into Indian reservation problems. We cannot be too hopeful on that. I have had a number of contacts trying to get Indians cases into the district courts.

Senator LANGER. Is the attorney general of New Mexico here?

Mr. CHUMBRIS. He will be here.

Senator LANGER. Well, don't forget to ask him about that. I want to find out whether any white men were brought back down, of any cases where a white man was brought back.

Mr. CANOTE. My general knowledge is that a good many white men and non-Indian fathers are not brought back. I know a good many of the counties are what might be called distress counties and they would rather let ADC take care of that rather than bringing the non-Indian fathers back.

Now, you know that the tribal custom, talking about the Pueblos and the Navaho communities, we have with us, family questions, are for settlement by the tribles in the first instance. The welfare and law and order division, and the several families involved in the paternity matters. The establishment of paternity for the purposes of meeting social security and welfare requirements for benefits is something quite new to the tribal customary functions, and we believe there, and the Federal Government is concerned about it, we believe that something new has to be set up in order to meet that sort of situation.

It is just in recent years that they have been getting ADC.

For instance, now a mother comes in, and applies for ADC, and the application goes up to the welfare division at Santa Fe. The welfare division will send a notice to the tribal governor that so and so applied for ADC, suggesting that they ought to do something in order to establish paternity.

Well, that has confused them, it is something new to them. They don't quite know what is demanded to them there. We have pointed out that they ought to try to resolve these illegitimate situations by marriage or some other settlement first. But there are a number of cases where the fathers deny paternity, and have gone away into the service, and they have gone to different States, and there we run up against this gimmick of no jurisdiction to bring them back.

Senator LANGER. Whenever an unmarried lady can get ADC, an unmarried lady who is pregnant and going to have a baby, does she have to say who the father is before she can get ADC?

Mr. CANOTE. Under the New Mexico statutes, the welfare division, when they find those cases, must notify the respective law enforcement officials. In this case, it would be the governor of the Pueblos.

Under the regulations of the welfare department, she must file a complaint or do whatever she can to establish paternity and get support.

Senator LANGER. Now, supposing the girls refuses to file a complaint. What do you do?

Mr. CANOTE. I don't know what happens there; I think they do finally get some ADC, where the welfare department finds a situation of that sort.

Senator LANGER. We ran up against a case in North Dakota where a girl had an illegitimate child, and she got \$40. A little later she had another illegitimate child and she got \$40 more. Still another while later, she had another baby and got another \$40. She finally had five children and she is the happiest woman in the world. She won't get married. She has more money than she ever had in her life, she is drunk all of the time and she lets the five children struggle along their own way.

Do you have women in New Mexico who treat their children the same way.

Mr. CANOTE. We have some cases of multiple illegitimacy situations, but I don't know of a case where a mother has been neglectful of the children.

Mr. CHUMBRIS. Let me ask you this: Has the department of welfare for the State of New Mexico taken the position that before it will give ADC aid that the mother of the child either files against the father, or that she takes aggressive action through the tribal courts?

Mr. CANOTE. Under the welfare department regulations, they must do that, and it is being done.

But what actually happens in practice is that she will tell the welfare worker who the alleged father is, and then the welfare worker through the department will notify the respective governor of the Pueblo where this applicant comes from, and then that is where we are stopped usually. A good many of the fathers are in the service. We cannot touch them, even if we had the civil court available to us. Then a good many of them have gone to other States and they are not available to the tribal courts. And a good many of them then deny paternity, and the tribal government arrives at a point of stymie there, so that they just certify then to the welfare division that this woman has tried her best to resolve the situation and she cannot. She has done what she can, and then ADC is granted to her.

Mr. CHUMBRIS. And I suppose the State welfare department takes the position that their primary interest is to protect the child, even though it may be illegitimate, through no fault of its own?

Mr. CANOTE. That is correct.

Senator LANGER. Of course, in many cases, the father goes to another State, gets married, picks up another woman, and he has 2 or 3 children there, and of course the prosecuting attorney says, "what shall we do?"

Mr. CANOTE. I might say in that connection, that I have been in New Mexico at this present time for 4 years, checking back through my records casually, I find about 40 cases of nonsupport and abandonment. I find that about 8 of those cases that are aggravated where there are from 2 to 7 minor children who have been abandoned, and these fathers are away, some of them run away with other women, and we cannot touch those fathers.

A good many of them we have been able to resolve. For instance, the governor of the Taos might demand that we go to Zuni and pick up a father who is not supporting his family. Now, we don't know whether he has legislative authority to do that. The governor of Taos

gives me a warrant and I will go to Zuni and ask the governor to deliver a prisoner to me, and I want to take him back to Taos. They will try to resolve that nonsupport situation. A good many are resolved that way.

But about 8 cases in 4 years, we are simply stymied on.

Mr. CHUMBRIS. Do you have much illegitimacy among the Indian children in New Mexico?

Mr. CANOTE. I have a table here for 1953, and this concerns our 20 units, the 18 Pueblos and the two Navaho groups, and we have 649 births. Of that group, listed as illegitimate—and I will explain that later—are 97 illegitimate births; to mothers under 16, there were 3.

Now, in arriving at that figure, it must be taken into consideration that it is quite possible that all of the children listed as illegitimate may be born of parents united by Indian custom. The record comes up to the statistician and she does not find a formal marriage ceremony, certified to, so she will declare that child as illegitimate.

Now, we cannot define from our records which ones those are.

Among the Pueblos we still recognize what we call the man and woman who set up the household and conduct a family; we have children born in that situation who may be mistakenly called illegitimate.

Mr. CHUMBRIS. Also, as I heard it explained in North Dakota, there are many instances where children are born illegitimately but the parents of the child get together and the child lives at a family unit at a later date; is that correct?

Mr. CANOTE. That is true in this situation also.

Mr. CHUMBRIS. So, therefore, you could not give us a complete breakdown, other than the 97 illegitimate children, or technically illegitimate children, let us say.

Mr. CANOTE. That is right.

Mr. CHUMBRIS. Of 649 births?

Mr. CANOTE. That is right.

For 1954, that figure reads, 627 births with 133 listed as illegitimate.

Mr. CHUMBRIS. 627?

Mr. CANOTE. That is right.

Mr. CHUMBRIS. And 133 were listed as being illegitimate?

Mr. CANOTE. That is right.

Mr. CHUMBRIS. So that the percentage was a little higher in 1954 than it was in 1953?

Mr. CANOTE. Quite a bit higher.

Senator LANGER. Would you mind coming to Washington and testifying before our committee?

Mr. CANOTE. I would not mind at all, Senator.

Senator LANGER. I tried to get my bill through to get runaway fathers taken care of and I could not get a favorable report.

Mr. CANOTE. I would like to state that I have been working with this—and Mr. Chumbris knows it—I have been working with this since 1940. I believe the record will show that in the Wisconsin-Minnesota area that I was probably the first one who ever suggested that State laws should be applied to those reservations. I was condemned bitterly for it by the Indian people then but now they say that I was right at that time.

Mr. CHUMBRIS. I would like to state that I have known George for some years. He is not only a credit to the Indian people but to his

community. He has an intense interest in law and order problems in his community.

Senator LANGER. We have not got that law through. We talk and talk and talk about it interminably and everlastingly, and here there are six-hundred-and-some children born of whom 160 are illegitimate.

Mr. CHUMBRIS. The Department of Justice has always sent in an unfavorable report on that bill for the last 4 or 5 years, claiming it is an invasion of States rights, and the technical difficulty of the Federal Government trying to enforce Federal orders in the State courts.

Mr. CANOTE. Some method——

Senator LANGER. You were reading a very interesting report. Don't let me stop you.

Mr. CANOTE. I was just about through.

Senator LANGER. You have done a lot of work on this and you know much more about it than I do. I would be very anxious to have you finish your report.

Mr. CANOTE. I had finished with this recommendation.

Senator LANGER. You know the attorney general of your State here?

Mr. CANOTE. Yes, sir; we have met.

Senator LANGER. We have had this matter of runaway fathers before us, Mr. Attorney General.

Mr. CANOTE. I might explain to Mr. Robinson what we are just discussing. We are talking about abandonment and nonsupport by Indian fathers, and I explained that under the Federal law, we have no recourse of action whatsoever. Under the State law, usually in the Indian situation, the State and county attorneys have no jurisdiction to enter into the matter. The tribal courts are bound by legal and geographical limits at their reservation lines.

If they could bring a father back by extradition from Arizona or California, then they could take action. But they cannot get him back unless by chance we do recover him somehow or other.

Then if the tribal court gets judgment against him, and issues its order and decree, if he again leaves the reservation all we have is an effective piece of paper.

I had suggested that the 10 major crimes, so-called, be amended to include abandonment and nonsupport, to be applicable to Indian reservations and Indian people.

I had further suggested, to make this more easily workable, and not so cumbersome to the courts, that on the first offense, they might be made petty offenses, so that action could be taken before the United States Commissioners, who have that authority.

I think that that might practically be feasible, because if an Indian father who has abandoned his family went to California, and knew that the United States marshal could grab him and bring him back and get an order through the United States Commissioner, and that Indian father knew that if he violated the article he would be picked up again, whether he was in Oregon or Alabama, that it might be of some help.

You see, you have a psychological effect that might be good for that other father who has some crazy ideas in his mind.

MR. CHUMBRIS. I believe you also stated earlier, in order to bring the attorney general up on this matter, that the people of New Mexico, the officials of New Mexico, and the Indian tribes of New Mexico, are against Public Law 280, which would relinquish Federal jurisdiction to the States, is that correct?

MR. CANOTE. That is correct.

MR. ROBINSON. Yes; I have a brief case full of such protests.

SENATOR LANGER. What is that?

MR. CHUMBRIS. Mr. Robinson said that he has had a lot of protests on that same bill.

MR. CANOTE. Now, there is one other thing, and this concerns Federal juvenile delinquency, the Federal Juvenile Delinquency Act—

SENATOR LANGER. You take all the time you want; we've got all day and all night if necessary.

MR. CANOTE. I don't want to hog all day.

SENATOR LANGER. You are pretty much of an expert on this thing, so you take all the time you want. You won't have any better opportunity than you have right here.

MR. CANOTE. The Federal Juvenile Delinquency Act, in application, ought to be broadened with its application spelled out in terms of types of offenses that could be referred to Federal courts. A provision might be made that the tribal courts would be the point of first reference. There are many things that these tribal courts can resolve without going after outside help.

But when you get into some particularly rough situations, I could give you documentary evidence of some very rough situations—

SENATOR LANGER. Go ahead. Take your time.

MR. CANOTE. Some of our boys get into serious trouble of a juvenile nature. For instance, in one of our pueblos a 15-year-old boy did everything from assault with intent to rape, stealing cars, breaking into the postoffice, getting in gang fights, being a leader, beating up kids with these bicycle chains—pachuco actions, we call them back there—and we couldn't get anyplace with him.

We finally got him into the district court—we couldn't get him into the Federal courts, but we finally got him into the State district court, and they put him on probation. He went back and stole a car—this all happened on the reservation—and they revoked his probation and sent him to Springer.

He ran away about five times from there and they found out that he was incorrigible in the institution. On one of those occasions when he ran away, he caught a non-Indian woman on the river bank and he wrestled with her for about an hour trying to rape her.

The county sheriff called my attention to it and we found out that it was just an assault attempt to rape, and it was not covered by any Federal offense. You would have to actually complete the action of rape in order to have it covered by a Federal offense. So the United States attorney finally found that we still had this boy under commitment at Springer, so he said, "Refer him back to Springer."

That applies where you have an Indian subject and non-Indian victim or a non-Indian subject and an Indian victim.

We were told that they did not want to apply this act except in very extreme situations, so we sent the boy back to Springer under the original commitment. He was there about 2 weeks and the board at

Springer said that the boy was incorrigible and that they could not handle him. So under the statute, they referred him to the State prison. He was 19 years old at this time.

He went to the State prison, and there under a program that they have of prisoners being able to challenge their commitment, taking care of their own application, he came up and said that the offense he had been committed for originally was committed against an Indian on an Indian reservation, and he himself was an Indian.

Under those circumstances, the court had to release him under this writ. That boy came back to the Pueblo and became a gang leader again. Finally nature stepped in. He tried to beat his mother up for 2 bucks and he stuck a beer case opener at her throat and an uncle got into the fracas and then beat him up, and the boy finally died as a result of this. So nature helped us out there, and the law did not.

I mean, those are cases in point that I am talking about, where we have an absence of legislative authority to do the job we are supposed to do. A good many of these governors come to me, and when given these explanations of this area of immunity of treatment, they say, "Why don't you do your job? You are getting paid for it." You see, they will not accept the explanation you give them.

I would like to give them action but I can't.

I think I am through, Senator.

MR. CHUMBRIS. Thank you very much for a very excellent statement, George.

I have no further questions.

Senator LANGER. I would like to have the attorney general of New Mexico come forward, if he will.

MR. CHUMBRIS. Are you ready, Mr. Robinson?

MR. ROBINSON. I am at the committee's disposal, Mr. Chairman.

STATEMENT OF RICHARD H. ROBINSON, ATTORNEY GENERAL, STATE OF NEW MEXICO

MR. CHUMBRIS. Will you please state your full name, your address and your official title for the record?

MR. ROBINSON. Richard H. Robinson, Santa Fe, N. Mex., and I am attorney general for the State of New Mexico.

MR. CHUMBRIS. Do you have a prepared statement?

MR. ROBINSON. No, Mr. Chumbris, I do not.

MR. CHUMBRIS. Fine. What we are particularly interested in at this hearing, Mr. Robinson, is the position of the State of New Mexico on problems of conflicts of jurisdiction in the State dealing with the Indian reservation; conflict between the State of New Mexico and the tribal courts; or conflict between the State of New Mexico and the Federal courts, if any; and also the second question, and you can think about them as you discuss this, the problem of transferring jurisdiction of law and order from the Federal Government to the State governments under Public Law 280.

MR. ROBINSON. With the committee's permission, possibly by discussing the second question first, we would automatically, I believe, get into the first question.

MR. CHUMBRIS. Go right ahead.

Mr. ROBINSON. This matter I have discussed briefly with Governor Simms before leaving yesterday. He had been out of the State for several days and I was not able to go into great detail with him on it. I did want to get his position before appearing before the committee, and his position on the State taking over the jurisdiction from the Indian tribal councils, and the Federal Government, is similar to mine, in that we feel at this time it is a financial and physical impossibility for the State of New Mexico to accept either the civil court or criminal jurisdiction.

I realize that this committee is interested primarily in the juvenile question and under Public Law 280 we have to take it all or nothing.

Mr. CHUMBRIS. Could you give us some of your detailed reasons as to why the State is opposed to taking over jurisdiction at this time?

Mr. ROBINSON. At this time, it is primarily, as I stated, the physical setup. The vast territory that we would have to supervise. Let's discuss, right now strictly the criminal jurisdiction, the vast and immense territories that we would have to patrol and supervise with limited facilities, and the limited facilities are based upon the financial condition of the respective counties.

The two counties primarily concerned would be McKinley, of which Gallup is the county seat, and San Juan, of which Aztec is the county seat, and the city of Farmington is the largest city.

They are primarily concerned in this particular situation by having the largest Indian population.

I could not swear to my figures, but it is my understanding that McKinley County, for instance, where Gallup is the county seat, has approximately, in round figures, 20,000 Navahos and about 3,300 or 3,400 Zuni Pueblo Indians, who are at this time under the jurisdiction of the Federal Government.

In McKinley County, due to the financial condition of McKinley County, we have a sheriff, a deputy sheriff, and one jailer who are the only county police officers. The problem has become so great, however, not only in crime enforcement, but in traffic enforcement, that the Government has seen fit to place six State patrolmen in McKinley County, which has been of great benefit to the State law officers there.

Mr. CHUMBRIS. How are they in comparison to previous years, the six?

Mr. ROBINSON. Well, I believe the former governor advanced the number of State patrolmen in McKinley County up to six. I could not say for sure how long they have been there. The county is practically bankrupt. They have a tax problem, in that all of these Indian lands, and a great deal of the county estate land, Indian allotted lands, and so forth, are tax exempt, which cuts down on their tax assessments and their county income.

I had a discussion day before yesterday with the present sheriff, Mickey Mullicka, in my office in Santa Fe, and he said that there was only one reason he didn't have more deputies, as bad as he needed them, and that was because of financial difficulties.

I asked him if he were expected to take over the criminal jurisdiction of the Indian reservations as to what would be the minimum number of deputies and additional cars that he would need, and he stated 15.

He has based that on the population basis of the number of Indians in the county and the miles that he would have to cover by radio patrol

cars and he stated that he would need 15 units with at least one man in each unit, and that that would be the very minimum which would be absolutely impossible for the State and the county to consider taking over at this time.

A similar situation exists in San Juan County, but to a lesser degree. I do not know what the population of the Indians is up there in that county but Sheriff Lane, I talked to him, and he indicated that he has—let me check my figures to be sure on that—that he has two deputies, himself and two deputies, the county sheriff's office and he indicated that he would need a minimum of 5, and possibly up to 10 more deputies and units, before he would be able to patrol the reservation area.

They already have a terrific problem in McKinley County on Indians off the reservation. They do have, as you know, supervision of arrests and so forth, of the Indians off the reservation, and now with the Indians being equipped with modern means of transportation—most of them own pickups—the majority of them might come to town on Saturdays, where back 25 or 30 years ago, they traded at the trading center.

So that has put an additional burden of supervision on the sheriff and State police which is, at this time, almost impossible to cope with.

What I am trying to get at is that the mere attempting to supervise them while off the reservation is more than we can handle at this time, much less considering taking over the entire criminal supervision on the reservation.

There is also another conflict you would run into there. I am not an expert in Indian affairs and I do not claim to be; I deal with a situation when it comes to my office's attention, but as you probably have been informed here, I did not get to sit in on the earlier hearings, the tribal councils have their own laws and customs which are generally recognized, and I understand that Uncle Sam does not interfere with them so long as they do not conflict with Uncle Sam's laws.

Now, to suddenly tell the tribal councils, "You no longer exist, you have no more authority, other than a fraternal organization, or something, and the State laws now apply," that is something that in my opinion is impossible and impractical. It might be done over a period of years of education and time and so forth.

As to the financial end of it, if the States are eventually required to take it over, I think it would be absolutely necessary that Uncle Sam contribute to the expenses until we can get Indian property on the tax rolls to bring us income.

Senator LANGER. What authority does the sheriff of McKinley County have to arrest any Indian?

Mr. ROBINSON. He may arrest an Indian who breaks the laws off the reservation.

Senator LANGER. I mean, on the reservation.

Mr. ROBINSON. None on the reservation. And the Indians have started their own law and order enforcement, which has been a great deal of help to us. In fact, Sheriff Mullicka gives these law and order men commissions so that they can assist him off the reservation.

He will deputize them as special deputies without pay.

Mr. CHUMBRIS. Mr. Williams, will you come forward, please?

Senator LANGER. Mr. Williams, how many men have you got there to enforce law and order in McKinley County?

Mr. WILLIAMS. McKinley County is not under our jurisdiction. I believe that is under the Windowrock jurisdiction. That would be Mr. Nelson.

Mr. CHUMBRIS. Yes, Mr. Nelson.

Senator LANGER. How many men have you got to help the attorney general enforce the laws on this reservation?

Mr. NELSON. Presently, Senator, we have two stationed out of the reservation proper.

Mr. ROBINSON. May I ask who he is with?

Mr. NELSON. With the Navahos.

Senator LANGER. How many men altogether have you to enforce law and order on the entire reservation?

Mr. NELSON. A total of 56 enforcement personnel. That, of course, takes in Arizona, New Mexico, and Utah.

Senator LANGER. How many have you in New Mexico?

Mr. NELSON. In New Mexico, in McKinley County only.

Senator LANGER. Within McKinley County.

Mr. NELSON. Just two.

Mr. CHUMBRIS. How many do you have in San Juan?

Mr. NELSON. In San Juan County we have 10.

Mr. CHUMBRIS. You have 10 in San Juan and 2 in McKinley?

Mr. NELSON. Yes, and that takes in the bigger communities.

Senator LANGER. How many should you have in order to really enforce the law?

Mr. NELSON. I believe we arrived at a figure of about double the present strength.

Senator LANGER. You testified to that yesterday, did you not?

Mr. NELSON. Yes, sir, in the overall picture.

Senator LANGER. I believe you told us that your men got \$2,900?

Mr. NELSON. Yes, sir, that is the Navaho Indian patrolmen.

Mr. ROBINSON. Am I not correct that the State enforcement officials stay out of the reservations altogether, so far as law enforcement is concerned?

Mr. NELSON. Except in the checkerboard area, where there is some concurrent jurisdiction.

Mr. CHUMBRIS. Will you explain the checkerboard area to us, please?

Mr. NELSON. Well, the checkerboard area consists of trust allotments, an area in McKinley County where you will have one section that is allotted to Indians under a 25-year trust period, where there has not been a patent issued on it, and the next section may be public domain, railroad land, or private land. We refer to it as checkerboard, because it skips all over the area.

Now, on the public domain and the private lands, the State laws apply. There is some dispute as to what extent they apply on the trust patent allotments.

Senator LANGER. What does that dispute consist of?

Mr. NELSON. It takes in many factors, Senator.

Senator LANGER. Well, that is the very reason the committee is here. We are trying to find out just what this dispute consists of and how to remedy it.

Mr. NELSON. I believe that Mr. Canote could better explain that as he has had 4 or 5 years of experience in that area, and he has made a pretty thorough study of it.

Senator LANGER. We have got the same problem in North Dakota, where, on Indian property, an Indian can break the law, and the sheriff and the State's attorney are helpless to do anything about it.

We do not have enough Federal men to enforce the law. I think we had one covering an entire reservation. And that is the situation that has to be remedied. Is that the situation in New Mexico?

Mr. CANOTE. In those so-called checkerboard areas, we call them grazing districts Nos. 1 and 7, that is essentially true. For instance, there might be 160 acres of land which we know is strictly Federal jurisdiction. But then we step over to a piece of railroad land, and we know that the State courts have jurisdiction there.

Now, supposing we get some land for Indian use, either by purchase or assignment, or gift, or something, but it comes into Indian title somehow or other—previously it had been railroad land or patented land, owned by some individual, non-Indian, and assume that that gets an Indian color of title, the law does not say who has jurisdiction on that type of land.

The officers out there working in the field have to assume a chance, perhaps, of making false arrests.

We just did it. The State police, the sheriff, and the FBI were in on a shooting case, Mr. Nelson, and it took us 2 days to determine whose case it was.

We have to spin wheels, run down section corners, and refer to the Bureau of Land Management to determine who is going to handle a \$50,000 case.

Senator LANGER. For example, let us say that an Indian beats up an Indian girl on that 160 acres of patented land, who has jurisdiction?

Mr. CANOTE. The State courts.

Senator LANGER. So that the county attorney or attorney general has to drive out, because of that 160 acres?

Mr. CANOTE. That is right.

Senator LANGER. If it is across the line, then the Federal Government takes care of it?

Mr. CANOTE. In misdemeanors, we go to the tribal court. If it is a felony under the 10 crimes, we go to a Federal court.

Mr. ROBINSON. If it is a misdemeanor, the tribal council handles it.

Senator LANGER. Well, the thing is pretty well mixed up, isn't it?

Mr. CANOTE. That is right.

Mr. ROBINSON. And a very serious problem is to determine where the boundary line is. We have had cases in the State district court where a defense attorney with one surveyor shows that it is on the reservation and then it goes to the Federal court and another surveyor comes in and says that it is on State land. So we have to determine where the Indian reservation stops and the State line takes on.

Mr. CANOTE. We had a homicide about 2 years ago out in this checkerboard area. We took over. Somebody told us that we were 30 feet within our line.

The FBI and myself took over the case. We went through the grand jury and were standing out in the hall ready for trial when an engineer came up and said that he had made a mistake—that it was public-domain land. So we had to go into the State court.

The United States attorney did not like that, and he said, "You fellows spent \$5,000 of Federal funds investigating this case, and now it is none of our business."

So we had to go strictly on what the engineer told us, and do what we thought was our duty.

We run into these situations just like Mr. Robinson illustrated here.

Senator LANGER. Have you had a great many of those cases?

Mr. CANOTE. Too many of them.

Senator LANGER. In other words, you could try a case, the attorney general might try a case in the district court, and spend a lot of the State's money, and suddenly someone would come in and bring a surveyor and say that it happened on Indian territory, and he would lose jurisdiction; is that right?

Mr. CANOTE. Yes; just like in the case of the juvenile I mentioned who was sent to Springer, the State assumed jurisdiction and actually did not have it. It was service to us, we think.

Mr. CHUMBRIS. Senator, I might point out that in Oklahoma, where they do not have any reservations, this problem comes up all the time. The Federal Government does not know when it should step in or the State does not know when it should; so sometimes they have to work together until they finally have a determination of just exactly where the act occurred, and that particular court will take over.

Mr. ROBINSON. I don't remember the exact details of one case brought to my attention, but as I recall the facts it was a shooting, I believe, on the highway, which had been given to the State for the use of highways, and the State took over, and they got so far on it, and it was determined that it was only an easement for highway purposes, and it was actually within Indian land, so the Federal Government took over, and it went back and forth three times, and I believe finally they gave up.

Senator LANGER. Have you any recommendations to make as a solution to that situation, Mr. Attorney?

Mr. ROBINSON. Well, Senator, that kind of puts me on the spot. It is a problem that has existed for years and years and years. I think that the main problem is shortage of personnel and finances. Of course, the shortage of personnel is based on the shortage of finances, I presume. It is with the State government, anyway, and this boundary problem is a serious problem, just where Federal jurisdiction stops and State jurisdiction picks up.

So far as any concrete solutions right at this time, I don't know of any. I do not think that Public Law 280 is the answer, at least not yet.

As I say, it would completely bankrupt us; and if our constitution were amended in this special election in September and we had to take over, they would have to run hog wild without law enforcement for many years unless Uncle Sam came in and subsidized the State to take over.

My only feeling is on a long-range program, and I do mean a long-range program, that eventually the States might be able to take over jurisdiction, but it is nothing that will happen during my administration or my successor's administration or his successor's administration.

It is something that will take a long range program of education, not only of the Indians to the non-Indian customs, but of the non-Indian to the Indian law.

I see that your Public Law 280 states—I have not read it for some time—but Public Law 280 states that where Indian laws do not conflict with the non-Indian law, the Indian law would prevail.

Well, I can just place myself in a position of attorney in court trying to prove what the Indian law is. You have to spend 2 or 3 days with some of your old time Indians and prove what the Indian law is, which is certainly a question, and then you get into this consideration, does it conflict with the civil and statutory law of the land. That is the biggest question, just to determine what the non-Indian law is, and that is the thing that you appeal to the Supreme Court on. Nine times out of ten it is purely on a question of law, because a judge or an attorney disagrees with what the law is.

You have to prove what the Indian law is, and proving what the non-Indian law is, and thirdly, do they conflict.

Senator LANGER. In order to make it simple, let us take a murder case and carry it through step by step.

Mr. ROBINSON. Do you mean the procedure you go through in a murder case in the State district court?

Senator LANGER. That is right. You are in your office and you get a complaint that a woman has been murdered.

Mr. ROBINSON. Well, let me go back to the district attorney's office, because he handles it rather than the attorney general.

You get a complaint that a person has been murdered. Of course, you make your investigation to determine that somebody has been killed. There are two procedures used in New Mexico: you can go through the grand jury indictment step, which happens in 5 percent of the felony cases, and the other 95 percent are handled by filing a complaint in the justice of the peace court. A felony complaint is filed, a warrant is issued, and the man is brought in, arraigned in the justice of the peace court, and a bond is set, if it is not a first-degree murder case, and a preliminary hearing is set for some future date convenient to the State's attorney and district attorney. The preliminary hearing is held.

Senator LANGER. I understand that the mayor is here, and we would like to have him come up and sit here with us. The chief of police is also with him. We are highly honored to have both of you gentlemen here.

This is the attorney general of New Mexico, Mr. Mayor.

Mr. MURPHY. I am Frank Murphy, and this is the chief of police.

Senator LANGER. All right. Now, you have got the fellow indicted.

Mr. ROBINSON. You have got a complaint filed against him in the justice of peace court. A preliminary hearing is set in the justice of peace court, and generally there only the State presents witnesses, and only their material witnesses, to show probable cause. They have to show in the justice of peace court probable cause that the crime was committed and the defendant committed it.

If there is sufficient or probable cause, he is then bound over by the justice of the peace under bond to the district court, and the complaint transcript is sent upstairs to the district court—when we say we send it upstairs, we mean that it is going up to the higher court, but usually the justice of the peace court is in the basement anyway—and the papers are sent upstairs, and then the district attorney, based

upon the justice of peace complaint, and the information in the transcript files what we call an information.

Then he is again arraigned in district court on the information, and he is brought up for arraignment, and he enters a plea of guilty or not guilty. A bond is then reset by the district judge for appearance at the next hearing term. That is the most general step that is used in New Mexico.

Now, there is another procedure, where the district attorney can file without going through the justice of peace court. The only difference is that he has to file a verified information, he has to swear to it, where he does not have to do that where there has been a preliminary hearing.

And then he is arraigned in district court and the district court may hold a preliminary hearing, if it sees fit, or remand it to the justice of peace for the primary hearing.

The third step is a grand jury indictment. In fact, in my home county, where I was prosecuting attorney, we went twenty-some-odd years without calling a grand jury. Now we call one at least every 2 years.

Senator LANGER. Show us how this conflict of jurisdiction interferes in the trial of your case.

Mr. ROBINSON. The conflict exists at the time the arrest is made, as to whether or not it is a Federal or State case. If it is on Indian land or Federal jurisdiction land, we are not even supposed to be in there, so the question is whether or not it is a Federal or State case. As I say, many cases have been filed, and a commitment issued, and the man sent to the penitentiary by the State of New Mexico, when suddenly up comes a writ of habeas corpus, and it is determined that the crime was committed in Indian territory.

Then the United States attorney comes in and goes through practically the same procedure before the United States Commissioner binding him over.

Your conflict sometimes exists immediately, but it doesn't show up until after you have gone through the expenses that are incurred in a year and a half.

In New Mexico the State attorney general does not come in on criminal cases, except on appeal. If a man is granted an appeal in the supreme court on a question of law, the district attorney steps out, and the attorney general takes over. We have original jurisdiction if we want to act, but generally we leave that up to the district attorney.

But that is why I have not had direct contact with these problems, because generally it developed some place in district court.

Now we get into them where they file a writ of habeas corpus, once they are committed to the State penitentiary, and the habeas corpus are filed, the warden is made the defendant, if you want to call it that, in the petition, and we have to represent him.

We have gotten into 1 or 2 Indian cases that way, where there is a question of jurisdiction, and the State should not have been on it at all.

Mr. CHUMBRIS. I have no further questions at this time. I think you have covered both points—no, there is one question:

Assuming that the Federal Government will reimburse the State on a plan which would be acceptable to the States, then what would

the position of New Mexico be? Supposing you could afford then to hire these 18 deputies in McKinley County, and 10 additional deputies in San Juan County, then what?

Mr. ROBINSON. Of course, there would be a proportionate figure needed in other counties.

Mr. CHUMBRIS. Yes, but would you still have some objection in the Indian pueblos?

Mr. ROBINSON. You would have to ask the Indians that. I certainly don't think that it should be done without the consent of the tribal councils. I think that they should be taken into it and given every opportunity to present themselves and to work out any objection they might have before it is done.

As I say, and now I am speaking personally at this point and not for the governor, I think over a period of time, if some program could be worked out that was agreeable to the tribal council and Uncle Sam, that over a period of time—and I don't mean 5 years or 2 years—that the States eventually could possibly do a better job, because they are closer to the problem than Uncle Sam has been for the last 50 or 100 years.

But that is a long-range program to be worked out through cooperation of the tribal council determining how much authority they should still be given, where the State will step in, and where the tribal council steps out, just how they will cooperate with us.

Mr. CHUMBRIS. That certainly would eliminate these conflicts of jurisdiction, then?

Mr. ROBINSON. It certainly would be a step that way. That is a long-time, expensive educational program, and it means education on both sides.

Senator LANGER. If the State of New Mexico is not liable, or it is not their duty to enforce the laws, why is it the duty of the State of New Mexico, or any county, like McKinley County, to take care of the indigent Indian, or to give general welfare assistance under your constitution?

Mr. ROBINSON. That is a good question, Senator. I am not sure just where our responsibility takes up and Uncle Sam's lets off. Some of these gentlemen with the Bureau of Indian Affairs might be able to answer that question. I do know that we have some Indians in our public institutions. I do not know the extent to which we have them, or whether they are nonreservation Indians, who never lived on a reservation. Possibly Mr. Nelson or Mr. Williams could answer that.

Mr. WILLIAMS. We have Indians in some State institutions, but we pay for their care, in most instances.

Mr. ROBINSON. Uncle Sam does?

Mr. WILLIAMS. Yes.

Senator LANGER. You take the insane Indians, and put them in an institution, do you reimburse the State of New Mexico?

Mr. WILLIAMS. Yes.

Senator LANGER. How much?

Mr. CANOTE. Two dollars a day, and that is done under contract between the Bureau of Indian Affairs and the administrators of Las Vegas Hospital.

Mr. ROBINSON. Isn't the responsibility still considered yours, and we are taking it more as a courtesy?

Mr. CANOTE. That is right. Usually the petition is filed in the State district court, and the State district court feels that it does not have actual jurisdiction, but in order to review the case, so that there is not a faulty commitment, they review the thing. The doctors examine him under the administration of the court, and the commitment is issued, but we pay the expense of maintaining it.

Senator LANGER. Supposing the insane asylum in New Mexico is filled up, then what happens?

Mr. ROBINSON. It has been that way for many years.

Senator LANGER. What do you do with that insane Indian in a case like that?

Mr. CANOTE. I suppose we would have to make application to St. Elizabeths in Washington.

Senator LANGER. Do you mean you would send them to Washington, D. C. ?

Mr. CANOTE. That is right.

Senator LANGER. St. Elizabeths?

Mr. CANOTE. That is right.

Senator LANGER. Have you ever done that?

Mr. CANOTE. I don't know of a case since 1937, when they changed the policy and tried to keep their insane patients closer to home, and started entering into contracts with the State governments.

Mr. ROBINSON. Well, I think they just build another deck on the bed. In New Mexico we have been extremely crowded for years, and yet our population in those institutions has been steadily increasing, so that from a practical, everyday standpoint we crowd them in.

Mr. CANOTE. Our contract calls for 6 patients, and we have 5 presently in the State hospital.

Senator LANGER. Well, your general welfare, old-age assistance, and the counties in New Mexico contribute a part of that; don't they?

Mr. CANOTE. I think the difference there, Senator, is on law and order matters you have a criminal situation, whereas on welfare and some of these other situations the law looks at it as a civil matter.

Senator LANGER. Why should the State of New Mexico pay anything?

Mr. CANOTE. I don't know.

Senator LANGER. Under the constitution of your State, why should McKinley County pay a single dollar for general welfare or old-age assistance to an Indian?

Mr. CANOTE. There is something special under the Navaho—well, I don't think I should say that—but the Federal Government, I believe, pays more of the load in welfare cases with respect to the Hopis and the Navahos than it does in non-Indian cases.

Senator LANGER. Why should they pay anything under the constitution? The Federal Government reserves the right under the constitution of New Mexico over all the Indian lands, people, and tribes. Now, you tell me why they should pay anything, why the people of New Mexico should pay a single dollar toward the welfare of those Indians under the law.

Mr. CANOTE. A good many of those Indians are paying taxes in the State of New Mexico—gasoline and severance taxes when oil and uranium is taken off the lands, they pay the 2 percent sales tax. They pay every tax. They pay the income taxes, Federal and State, where

the Indian is employed off the reservation. I think the only tax they do not pay is the actual direct tax on the land base.

Mr. HAWLEY. I think the answer, Senator—

Senator LANGER. I am very much interested in that answer, because we asked Mr. Emmons that at the hearing in Washington. I am curious to hear your answer.

Mr. HAWLEY. I think the answer lies in the fact that all Indian people are citizens of the United States, and that under the provisions of the Social Security Act the Federal Government matches funds with the States, but I believe that the Federal Government has taken the position that unless the State treats its Indian citizens on the same basis as other citizens, it will not provide Federal funds for those categories of assistance that you mentioned a moment ago.

Senator LANGER. But that is an arbitrary position they take. They said to Indiana—and Indiana, as you know, got away from the old-age pension some time ago, a couple of years ago—and they have taken the arbitrary position that unless New Mexico will pay a portion of that old-age pension we will give you no old-age assistance; isn't that right? Quote me the law where the State of New Mexico is responsible for a single dollar. I want the law on it.

Mr. HAWLEY. I don't believe there is any statute which specifically states that the State of New Mexico is responsible, but as a matter of national policy I am under the impression that the Department of Health, Education, and Welfare has taken the position that all citizens of the United States must have equal treatment, and application of the social security laws, in providing assistance to them.

I believe Mr. Canote partly answered your question a moment ago by stating that the Indians of New Mexico are subject to all of the taxes that all other citizens in the State of New Mexico are subject to except the ad valorem land taxes.

Mr. CANOTE. I might add there, Senator, that the Social Security Act itself specifically says that Indians shall be eligible for benefits under the Social Security Act.

Senator LANGER. Yes. I helped get that in there myself. I am perfectly acquainted with that. But I still want you to show me the law where in New Mexico any county that is broke, such as McKinley County, is responsible for the old-age pension and the public assistance, and all that sort of thing, when the constitution specifically says that on Indian land the State is in full, complete, absolute control. Just because the Federal Government has gotten away with it for a great many years and has stuck the various States and various counties, is no reason why it should be continued, is it?

Mr. CANOTE. I have no answer to that, Senator.

Senator LANGER. I suppose it costs New Mexico several million dollars a year?

Mr. ROBINSON. I would doubt that it would be that high.

Senator LANGER. Well, it costs North Dakota more than that.

Mr. ROBINSON. I don't think the figures, so far as the Indians alone are concerned, would be that high.

Mr. CHUMBRIS. New Mexico is under the 10-year plan, and they get almost 90 percent from the United States Government for the Navaho and Hopi Indians, so they are in a favorable position, New Mexico and Arizona, so far as those two reservations are concerned.

As to the other reservations, they do contribute almost equally toward the fund.

Senator LANGER. Do you know of any law which compels the State or county to contribute a single dollar?

Mr. CHUMBRIS. In San Diego that question was raised, and the Supreme Court of California ruled that the county welfare office could not turn down welfare to an Indian, because they said they were citizens of the United States, and were therefore entitled to all rights, the same as non-Indians, so the county had to pay up. So it has been determined in California that an Indian can receive benefits from the county welfare department.

Mr. ROBINSON. To my knowledge it has never been brought up in a lawsuit in New Mexico.

Mr. CHUMBRIS. Arizona has something similar to that. In other words, a problem was satisfactorily settled without going into the courts, and the court never finally determined that same question, as California did.

I think Mr. Warrington, who is the director of the State department of public welfare for the State of Arizona, will testify this afternoon, and I think he will be able to give us a little more light on that particular question. He is here right now.

Senator LANGER. Well, let us ask him that question right now.

Mr. CHUMBRIS. Would you please come up, Mr. Warrington?

Please state your name for the record.

Mr. WARRINGTON. Wayne Warrington, State Office Building.

Mr. CHUMBRIS. And your official title?

Mr. WARRINGTON. Commissioner of public welfare, State of Arizona.

Mr. CHUMBRIS. I notice you have a prepared statement for us, but the specific question that was presented in the discussion now is why should a State be required to contribute to welfare benefits, and under what authority are States required to contribute toward those welfare benefits?

Mr. WARRINGTON. The Social Security Act provides for no discrimination. In order to secure Federal matching funds we are required to administer our program without any particular discrimination as to race, creed, or color.

Mr. CHUMBRIS. That gets back to the Senator's contention, that in order for the State of Arizona to receive money under the Social Security Act, whether it is within their constitutional guaranties or not, they have to contribute; is that correct?

Mr. WARRINGTON. That is the partial application of it, from our view, yes. We provide the public assistance service on the reservation for the three programs in which we secure Federal funds.

Mr. CHUMBRIS. I think he has answered the question. I don't know whether he has answered it satisfactorily or not, Senator, but that is the way the practicality of the problem lies.

Now, we were going—I am through with the discussion so far as—

Senator LANGER. I wonder if the attorney general wishes to make a further statement.

Mr. ROBINSON. No, sir, Senator. I do have a couple of letters or wires here that I have been asked to place into the record, and I will do that if it is agreeable with the Senator. They do not necessarily express the position of New Mexico. They are wires from the various

Indian representatives expressing their position as to Public Law 280, and if the committee desires I will be glad to enter those into the record.

One is a telegram, and I won't read it, from Joe H. Herrera, secretary of all Pueblo Councils, representing some 18,000 Indians, and the other is a letter from Norman M. Littell, counsel for the Navahos, which he asks be placed in the record, if possible.

Senator LANGER. That may be done.

(The letter from Norman M. Littell is as follows:)

WASHINGTON, D. C., April 27, 1955.

MR. RICHARD H. ROBINSON,
*Attorney General for New Mexico,
Care of Adams Hotel, Phoenix, Ariz.*

DEAR DICK: Please find enclosed herein copy of the resolution passed by the Navaho Tribal Council on April 8, 1955, unanimously as well as a copy of a previous resolution passed in March 1954.

These resolutions favor the bills in Congress which propose amending Public Law 280 to make it mandatory that States must get the consent of the tribes before extending civil and Federal jurisdiction. This was one of the first acts of the new council—to go on record opposing the extension of civil and criminal jurisdiction.

There are many reasons for it. This problem, when it is faced in the future, must be faced in a very orderly manner and carefully thought out in advance. A present extension would suddenly carve up the Navaho Reservation into county jurisdictions in different States with resulting chaos and confusion in the enforcement of different laws on a people not comprehending any of them, and as yet having no background of experience such as we are endeavoring to develop on the reservation by orderly processes. It goes without saying that neither New Mexico nor Arizona could possibly afford to extend such jurisdiction. This has been made clear many times. The Navahos have to supply their own police, even in areas outside of the reservation by reason of a deficiency of funds in the State governments.

Applied to a limited problem like that of juvenile delinquency, the reasons are even more potent than briefly indicated above. There is a minimum of juvenile delinquency on the reservation, its only manifestations to the outer world being almost solely confined to some of the younger boys getting hold of some liquor when they are off the reservation. The crime incidents on the reservation are mathematically so low compared to outside the reservation that the deportment of the Navahos in their own native economy and order has been the subject of comment before this. The number of policemen which they have on the reservation is so far below the minimum requirements of any municipality or urban community outside, according to statistics, that the matter is quite noteworthy.

To superimpose procedures for juvenile delinquency in Phoenix, for example, over Navaho children, would simply be completely out of order and unrelated to whatever problems exist. No trained juvenile court officer with expert comprehension of the problem would advocate such jurisdiction and any attempt to do so would be so superficial and unresponsive to the problem as to be more damaging than beneficial. I am sending a copy of this letter to Paul Jones, chairman of the tribal council, in case he wishes to communicate with you any further about the matter, but otherwise I request that you place this letter in the record of the committee hearings and otherwise extend the best wishes of the undersigned and assurance of the Navaho Tribe and its legal department of cooperation with the State in any practicable manner.

Kindest regards.

Sincerely yours,

NORMAN M. LITTELL.

Mr. CHUMBRIS. Mr. Marks, did you have anything to say on this point that we were discussing, so far as the Indian tribe's point of view is involved?

Mr. MARKS. Not at this time. I might state something later.

Senator LANGER. Well, I thank you for coming here, Mr. Robinson, from New Mexico.

Mr. ROBINSON. It is a pleasure, Senator.

Mr. WESLEY. May I be heard, please?

Mr. CHUMBRIS. Yes. Will you state your name and address and your Indian tribe?

Mr. WESLEY. My name is Clarence Wesley, San Carlos, Ariz., and I am a bull shipper.

Mr. CHUMBRIS. Go right ahead.

Mr. WESLEY. You will notice that I said I am a bull shipper.

Mr. CHUMBRIS. I think you are chairman of the tribal council; aren't you?

Mr. WESLEY. No, sir, I am just a member of the tribal council.

Coming back to jurisdiction, I am curious to know what authority the State highway patrolmen have over the State public highways on the reservation.

Mr. ROBINSON. Are you directing that question to me, sir?

Mr. WESLEY. Yes, sir.

Mr. ROBINSON. That question came up on several occasions in lawsuits, whether it be correct or not, we held that where the highway has been either deeded or given to the State for highway purposes by the Indian tribe or council, that so long as the violation is actually on the strip of land that was deeded to the State, or given to the State for highway purposes, that the State patrolman has jurisdiction. Now, that may be correct and it may not be.

But at least that is our assumption, and that is the assumption under which we are presently operating. Of course, that highway land could be granted by different means. I think generally it is actually deeded to the State for highway purposes, with the right of reversion in case it is ever given up as a State highway and, as I say, we have instructed the patrolmen, I don't know how high up judicially, that has never been contested, but we have instructed the partolmen as long as it is on the highway right-of-way that they have jurisdiction, and that was the set of circumstances which brought up the question in our homicide case.

How it was finally determined, frankly, I don't know, but it was kicking back and forth between the State and the Federal court, because in that particular case, as I understand, the highway had not been actually deeded, but there was just an easement granted across the land for the purpose of traffic. But we have instructed our State patrolmen that if it is on State highway property they have jurisdiction.

As I say, those are our instructions, and whether they are correct or not, that is a legal question that has not been determined.

Mr. WESLEY. That is all.

Mr. CRONEMEYER. I have some questions. He said that he was talking to the Governor of the State of New Mexico. Before leaving our Phoenix meeting, not very long ago, I went to Governor Simms to discuss with him about the situation surrounding the town, the reservation. At that time he told me that he was going to send out some investigators whereby all these bars that were selling liquor to minors, and all of the fighting that was going on Saturdays and any other time, there was a terrible mess that was going on in Gallup, the

city of Gallup and in Grants, Farmington, and so forth. And I want to know, and I wanted to ask you, Mr. Attorney, how Governor Simms, or whether Governor Simms has said anything about it? Is he going to do anything about it?

Why, I went over about a year ago. I was appointed on a committee for what they called a joint relations committee, which is going to take up Government officials, Navaho tribal people, and 3 from the city of Gallup, 9 altogether. The mayor of Gallup and the city attorney and the other member. We have discussed this problem, tried to solve this problem of how the city would cooperate, and the policeman and sheriff, and so forth, in the city of Gallup, and for the past 6 weeks I have done my part to try to help the city of Gallup to take care of what the trouble was that was going on.

Now, there is not one time any of the policemen helped me at all. I have used a loud speaker from 10 o'clock in the morning until 5 o'clock in the afternoon, talking through the streets in the Navaho language, telling my people how to use liquor, when not to use it, and things like that, and I never was helped out with any cooperation from the people of Gallup.

Therefore I made a trip to New Mexico and discussed this problem with the Governor of the State of New Mexico. At that time he told me that he was going to send out investigators to come and help out and clean up the surrounding towns around the reservations. I just wanted to know if he mentioned anything to you before you left that this question was brought up.

Mr. ROBINSON. What is your name?

Mr. CRONMEYER. Hoskie Cronmeyer.

Mr. ROBINSON. Yes, sir, he mentioned to me yesterday, in my brief telephone conversation with the Governor, that he had already made an initial spot check by a plainclothes investigator. I did not go into the details of what the future plans are, but I do know—well, to put it frankly, there is going to be a crackdown on the bars in Gallup. That was his indication. How far he has gone, I don't know. He is working through the State police and local sheriff's office. How far he will go, and what his identical plans are, I did not have time to discuss. He had been out of the State for several days. I was leaving for Albuquerque at the time he called me, and I talked to him for a few minutes, and he mentioned himself that somebody had been there to see him, and he was probably referring to you.

A check had been made of violations, he indicated the number that he found within an hour's time, and I think it was 18, or something like that and, as I say, putting it in everyday language there is going to be a crackdown on the bars in the Gallup area.

So I know that you can expect definite action inside the near future.

Mr. CRONMEYER. Thank you.

Mr. CHUMBRIS. Thank you very much.

Senator LANGER. May we have Mr. Warrington back for a moment?

Mr. Warrington, I want to come back to this question of general welfare and old-age assistance. Now, we have in North Dakota a county called Rolette County. As the years went by they brought in the Indians from Michigan, and the State of Wisconsin, and a lot of other States, and they put about 6,000 of them in that 1 county, in 2

townships. Now that county is broke. The county commissioner came to me and said, "We haven't any money," and yet the Federal Government, when it comes to old-age assistance to these Indians, says that the county has to match their funds.

Now, what is the solution to that situation? These Indians are entitled to old-age assistance and pensions and the county cannot pay their share.

Mr. WARRINGTON. Well, of course, one solution, Senator, that we have in Arizona in regard to our largest caseload is the special matching formula we have for Navahos and Hopis. That is a solution dollar or cents-wise to the State or county having to contribute funds. In Arizona we have the unique situation of a special matching formula which in effect allows the State to make the usual grants, but only at about 10 percent of the cost of the total grant. That is one solution that has worked on a very practical basis in Arizona.

Senator LANGER. Well, Mr. John Howard, our Indian Service Commissioner, told me that in New Mexico and Arizona you get special preference that North Dakota did not get, and I am trying to find out what it is. The people of North Dakota are entitled to the same treatment that the people of New Mexico and Arizona get.

Mr. WARRINGTON. We get special preference in regard to the Navaho and Hopi caseloads. We get a matching formula the net result of which is that we used approximately 90 percent of Federal funds in our ADC, OAA, and AB programs on those two reservations. We do not get any special consideration on the other reservations.

Senator LANGER. How did you go about getting this 90-percent deal?

Mr. WARRINGTON. I am not thoroughly familiar with the background of that, Senator. I understand that Senator Carl Hayden was quite active in connection with the passage of that legislation.

Senator LANGER. You understand I am selfish; I want North Dakota to get the same deal, where we have 6,000 in the Turtle Mountain Reservation, where they cannot farm, where 90 percent of them a little while ago were on relief, where the county is broke, and where the Indians were not getting anything. They had an insane woman cooped up for months on the third floor or in an attic. Now, I want to know what you did, because we are entitled to it also in North Dakota.

Mr. WARRINGTON. Other than generally commenting that it was a result of a long series of negotiations, I could not tell you exactly what transpired, Senator.

Mr. CHUMBRIS. Actually, wasn't the 90-percent contribution which was made by the Government under this 10-year plan, which is supposed to be special legislation for the Navahos and Hopi rehabilitation plan?

Mr. WARRINGTON. Yes; it was part of that.

Mr. CHUMBRIS. It is a 10-year plan, and it might not continue beyond that 10 years, but at least Congress felt the situations on those two particular reservations needed immediate remedying, and that was the remedy that Congress prescribed.

Mr. WARRINGTON. That is right. It was tied in with the other.

Senator LANGER. I might say that my distinguished counsel comes from New Mexico. I am interested in North Dakota. I want to

find out just how these negotiations started, and how they continued and how you finally got this 90 percent. I certainly can do anything in the Senate that Chavez can do, I hope. I want those Indians out there to get that help. Now, how do I go about it? How did you go about it?

Mr. WARRINGTON. I cannot answer that question, Senator.

Senator LANGER. Well, how did you get it?

Mr. WARRINGTON. As I indicated, the only thing I know concerning the setting up of this special formula was after a series of negotiations, when a special act was passed with regard to the Navahos and Hopis.

Senator Hayden was instrumental in the passage of it. Other than that I could not give you any tips.

Senator LANGER. I want to instruct the distinguished counsel here from New Mexico to find out just how that was done, and to prepare legislation so that we can give North Dakota the same kind of a deal that we get in Arizona and New Mexico.

Mr. CHUMBRIS. As soon as I get to Washington I will do that, Senator.

Senator LANGER. How about your schools in Gallup, what kind of a deal do you have there that we haven't got in North Dakota?

Mr. CHUMBRIS. Mr. Harkins, the head of the State school department, will testify this afternoon, Senator.

Senator LANGER. Well, you be sure and bring that up, because we are not getting the same kind of a deal in North Dakota that they are getting at Gallup.

Now, we have got another deal where Wisconsin and Minnesota get preferences, and I believe you are acquainted with that. Ask him about that, when North Dakota isn't getting it.

Mr. CHUMBRIS. As to welfare?

Senator LANGER. You know what that deal is. They pay Minnesota and Wisconsin a certain amount per Indian, and we don't get it.

Mr. CHUMBRIS. That is under the educational plan, and Mr. Harkins will explain that this afternoon. We will put that on his shoulders. Why, certain counties even within certain States get a higher contribution than other counties, and it also varies State by State, and we will let Mr. Harkins testify to that this afternoon.

Senator LANGER. Mr. Chumbris, you know very well that that situation in North Dakota, in the Turtle Mountain area, is one that beggars description. There are 10, 11, and 12 Indians in one room, suffering in want and hunger and privation, and they cannot be any worse here among the Navahos than in the Turtle Mountain situation, yet we have been neglected up in the State, and we have not gotten the benefits that they get here. I want to find out why, and most important of all, how to get it.

Mr. CHUMBRIS. If you recall, you also posed that some question to Senator Hayden at his Appropriations Subcommittee meeting, why there should be that variance.

Senator LANGER. Yes, and Senator Hayden could not answer it, either.

Mr. WARRINGTON. Well, I cannot answer that question, Senator.

Mr. CHUMBRIS. Which of you two gentlemen would like to proceed first, the health department or the welfare department?

All right. We will have Dr. Salsbury scheduled at 10:30, and I know that your afternoon schedule is pretty well taken up, so we will call you at this particular time.

**TESTIMONY OF DR. CLARENCE G. SALSBUURY, COMMISSIONER,
STATE HEALTH DEPARTMENT, STATE OF ARIZONA**

Mr. CHUMBRIS. Do you have a prepared statement, Doctor?

Dr. SALSBUURY. No; I do not.

Mr. CHUMBRIS. Well, Dr. Salsbury, what we are particularly interested in is the health picture on the Indian reservations in this statement as is applicable to the jurisdiction that you have over the State of Arizona, where the Indian reservations are.

Dr. SALSBUURY. Well, the State of Arizona does not have direct jurisdiction over the health of the Indians on the reservations.

Mr. CHUMBRIS. That is correct.

Dr. SALSBUURY. That is a Federal responsibility.

Mr. CHUMBRIS. That is right. Now, we would like to know what cooperation the State has with the Indian Bureau that does have jurisdiction, and other statistics that you may have as to the health picture on the reservation, that you may have within your office.

Dr. SALSBUURY. Well we, of course, receive reports of disease, and morbidity reports, and death reports from the reservations. We have cooperated in the health program on various reservations throughout the State.

For instance, we have cooperated in carrying out venereal-disease programs to find out the amount of venereal disease, and also treating the cases that have been found. We have carried that out during the last 3 years or so on practically every Indian reservation in the State.

We have also cooperated in the case-finding program on tuberculosis. I think we have taken something like between 12,000 and 15,000 chest X-rays of Indians during the last 3 years or so, but direct responsibility for the health of Indians on the reservation is a Federal responsibility. We cooperate in every way we can.

For instance, 3 or 4 years ago there was a very severe outbreak of infectious hepatitis at the Navaho Reservation, and we stepped in there, getting that situation under control. There were about 400 cases at Tuba City, and the Public Health Service helped the Indian Service personnel getting that under control.

Mr. CHUMBRIS. Now, about this Salk vaccine, are you going to, as a State, work with the Indian Bureau, or do you have a program of your own?

Dr. SALSBUURY. Well no, of course, all of the Salk vaccine was to be made, according to the original formula, was to be made available through the State departments of health throughout the country. So when we were setting up our request for vaccine, the amount of vaccine that we needed, and the supplies to go with it, we took into consideration the Indians throughout the State.

As you know, the Navaho Reservation is 1 area under 1 area director, and the rest of the Indians in the State are under another area.

Dr. Lull's area taking in everything but the Navahos requested vaccine, and insisted on carrying out the program. When we approached the Navaho Agency, they said at first that they did not want to par-

ticipate, that if we wanted to come up and do it, it was all right, but that they did not have the personnel nor the funds to do it with, so we did not include them in the amount of vaccine that was requested.

However, a few days ago we had word from the agency that they did want to participate, so we wired New York for a supply of vaccine in order to carry out the program on the Navaho Reservation.

A short time later the agency said that they did not want to participate, so we canceled the order for the vaccine. So we have not been doing anything on the Navaho Reservation, except at Ganado, and the doctor there ordered a supply for the children in the public school, and for use in the public school which meant about 100 vaccinations.

MR. CHUMBRIS. Doctor, I understand that the health conditions down at the Papago Reservation are of serious nature. Do you have any explanation for it, or any suggestions or recommendations?

SENATOR LANGER. What is the record there? Let's get the record in.

DR. SALSBUURY. I do not have any intimate contact with that program down there.

MR. CHUMBRIS. That would be within the Indian Bureau's report?

DR. SALSBUURY. Yes.

MR. CHUMBRIS. Yes. For instance, I understand that one report showed in a survey of about 260 children that 25 percent died before they reached the age of 1 year old; 40 percent died before they reach the age of 6 years; and 52 percent died before they reached 18 years of age, which would make an average of 16 or 17 years life expectancy whereas the non-Indian average throughout the United States today is 69 point something. Do you have any comment on that?

DR. SALSBUURY. I can give you the figure of infant mortality, that is, infant deaths during the first year of life for the Indian population throughout the State, which is 132 per thousand live births.

MR. CHUMBRIS. What is the non-Indian record?

DR. SALSBUURY. The rate for the country as a whole is 28, and for Arizona it was approximately 40.

MR. CHUMBRIS. In other words, for Arizona it is 40 out of every thousand, and in the Indian population it is 132?

DR. SALSBUURY. Yes, a little over three times.

MR. CHUMBRIS. A little over three times?

DR. SALSBUURY. Yes.

MR. CHUMBRIS. Could you explain the reason for that? That certainly should be a problem for both State as well as the Indian Bureau, should it not?

DR. SALSBUURY. Certainly. Of course, this problem of dual citizenship is a very unhealthy thing, in my opinion, and the health laws that apply to other citizens of the State should also apply to Indians on the reservation.

Of course, the lack of education in many of our Indian reservations, I think, is responsible to a large degree for the high infant mortality rate.

In the Navaho Reservation it has been estimated that 50 percent of the children die during the first 5 years of life, which is a very bad record. Well, the primitive conditions of living, and the lack of education, I think, are very heavy contributors to those figures.

MR. CHUMBRIS. What about the hospital facilities in the State that are used by the Indian population?

Dr. SALSBUURY. Well, I speak of the Navaho, particularly, there are very many extensive areas where hospital facilities are not available at present, but I understand that the Department is making plans to extend those hospital facilities, and to establish hospitals where the facilities are not now available. That, of course, is necessary, when you think that the Navaho Reservation covers an area equal in area to Rhode Island, Connecticut, Massachusetts, and New Hampshire, and it is spread out pretty thin, 25,000 square miles.

Mr. CHUMBRIS. What in your opinion are the illnesses that are most prevalent among the Indian people in the State, and what recommendations would you make to correct that situation?

Dr. SALSBUURY. Well, of course, pneumonia, due to exposure, is very high; venereal disease has jumped up greatly in the last few years, especially since World War II. During the first 5 years I was at Ganado, I think I could count on my five fingers all of the cases of venereal disease that I recognized.

Mr. CHUMBRIS. How about tuberculosis?

Dr. SALSBUURY. Tuberculosis is very high, of course.

Mr. CHUMBRIS. Do you have the percentage? I think in North Dakota the health officer testified that approximately one-third of the deaths among Indians in North Dakota resulted from tuberculosis.

Dr. SALSBUURY. I cannot give you the exact ratio of deaths from tuberculosis in relation to other causes of death on Indian reservations. Offhand, that is. We have it. But the tubercular rate is very high as a cause of death.

On the other hand, the Indian Service has done a marvelous job in the last 3 or 4 years in getting that situation under control. In fact, as of last July, I believe it was, there were some 610 Navahos alone hospitalized for tuberculosis. Some time ago when I was in Washington, I believe it was Dr. Shaw remarked that so far as he knew there was no waiting list of Indians on the Navaho Reservation waiting to be hospitalized who would accept hospitalization where it could be had.

Of course, many of them did not want to accept hospitalization in hospitals far removed from the reservation.

Mr. CHUMBRIS. I have no further questions.

Senator LANGER. Doctor, how do you treat the insane Indians down there? What kind of a deal do they have with the Government on that?

Dr. SALSBUURY. Well, I believe the Indian Service will have to give you the answers to that, Senator. I know that there have been arrangements made with our State hospital on a contract basis for the care of insane Indians. There are a number of Indians in our State hospital for the mentally ill, but it is on a contract basis. That does not come under my jurisdiction.

Senator LANGER. In North Dakota they would not pay for the insane Indians that we put in the State hospital at Jamestown. We finally had a bill there of \$9,000. I put in a bill to have them pay it, and I did a few other things, and the result was that they finally paid it, after they had had that woman for 3 or 4 months on the third story of a house where they treated her like she was perhaps a dog.

I wonder where I can get a copy of that contract that they have.

Dr. SALSBUURY. Dr. Wick at the State hospital would be familiar with that, and the Indian Service people.

Mr. HARRY STEVENS. I am Harry Stevens with the area office in Phoenix. We have a contract with the Arizona State Hospital for the treatment and hospitalization of 45 mentally unbalanced Indians. We pay \$100 a month for that, and of this morning the number was 45, and it was 44 yesterday.

Senator LANGER. \$100 a month?

Mr. STEVENS. Yes, sir. We also pay for six mentally handicapped children at Children's Colony for which we pay \$83 per month?

Senator LANGER. They only pay \$2 in New Mexico. I wonder why New Mexico does not get as much as Arizona?

Mr. STEVENS. I think that is their problem.

Senator LANGER. \$60 in New Mexico, and \$100 in Arizona.

Mr. STEVENS. I would like to say from the Indian Bureau standpoint, that we have been most fortunate in having Dr. Salsbury as director of health, in that he and his department have cooperated to the very limit of their resources with us on anything that comes up.

I was stationed at the Papago Reservation for about 4 years before coming here, and I think soon you will hear from the Superintendent of that reservation, and that will answer this question as to the number of infant mortality deaths, and the high number of them.

I don't know whether you know it or not, but the Papagos are shy and a very retiring group of people. There are about 8,000 of them down there, and Dr. Salsbury is certainly correct when he states that they have a very primitive way of living. Less than one-half of those people speak any English, and there is a lack of educational facilities for them, even though there are 8,000 of those Indians down there, there are about 2,200 children, and we have all of those kids in school with the exception of about 300 of them, and we will get those in next year.

Also as to Mr. Warrington, the director of public welfare, his office has been very cooperative, so far as we are concerned, and we certainly want to make that public and pat him on the back.

Senator LANGER. Doctor, I appreciate the fine things said about you, and I just wondered if you were considering moving to a much better climate, and moving up to North Dakota.

Dr. SALSBUURY. I used to live in Manitoba.

Senator LANGER. Then you know what a beautiful climate we have in North Dakota.

Dr. SALSBUURY. I sure do, 50 below for 4 days at a time.

Senator LANGER. That is very unusual. Like the hotel man told me, I said, "I have got to pay a bill here, and I will make a deal with you," I said, "If the sun does not shine here during the time I am here I will pay you a double rate, but if the sun does shine like you claim, and you are advertising at the hotel here, I will just pay an ordinary rate." And by George he wouldn't bet me, he would not bet on the sunshine in Arizona.

In North Dakota, as you know, they have the most sunshine of any State in the Union. As a matter of fact, when you mentioned cold weather, we only have 19 days a year when the temperature is below zero.

Dr. SALSBUURY. It has improved.

Senator LANGER. I tell you, I think you are confused. I think you were thinking of South Dakota, and not North Dakota.

Now, could we arrange for a copy of that contract that you have with the hospital for \$100 a month?

Mr. STEVENS. Yes, sir. And the other one at the Children's Colony for \$83 a month.

Senator LANGER. Could you get that this afternoon?

Mr. STEVENS. Yes.

Senator LANGER. It is very important. We want to take care of the insane in North Dakota. I might say that I believe that the insane all over the country should be treated alike. If you pay \$100 in Arizona, we should pay \$100 in New Mexico, and likewise in all the other States. Maybe they pay more in other States, do you know, Doctor?

Dr. SALSBUURY. I don't know.

Mr. CHUMBRIS. Senator, the doctor would like to express an opinion on Senate bill 959, so could we at this time go into the matter of that bill that we had up yesterday?

Senator LANGER. Yes, but I do want all of this Indian matter kept together.

(Whereupon, at 11:30 a. m., the subcommittee proceeded to further business, after which the following proceedings were had:)

Mr. CHUMBRIS. Mr. Warrington, will you come forward, please?

TESTIMONY OF WAYNE B. WARRINGTON, COMMISSIONER, PUBLIC WELFARE, STATE OF ARIZONA

Mr. Warrington, will you please state your full name?

Mr. WARRINGTON. Wayne B. Warrington.

Mr. CHUMBRIS. Do you have a prepared statement?

Mr. WARRINGTON. I would prefer to make a statement from notes, and then summarize it in short form for submission into the record.

Before becoming a statement concerning the activities of the Department of Public Welfare on Indian reservations, there are two matters that have come up in previous testimony, one regarding the Short Creek episode, that I would like to make minor corrections on for the purpose of the record.

It was indicated in testimony yesterday that through the Department of Public Welfare, \$110,000 of ADC funds had been expended. It is a relatively minor matter, but I would like to correct that to show that the Department of Public Welfare expended \$100,000; however, \$48,000 of that was of State assistance money in the initial stages of that operation, and about \$62,000 was in ADC money.

The second thing I would like to make a minor correction for the record in that connection on is with reference to the statement made concerning licensed child-welfare agencies in the State. In addition to 14 county welfare departments, which are licensed, there are 6 private child-placing agencies that have been licensed by the State department.

Since talking to you Monday concerning the information you might desire in connection with this hearing, we have gathered some information concerning costs and grants, and I would like to read that and summarize it at a later date, if you desire.

July 1, 1950, through March of 1953, a period of 33 months, the department of public welfare expended \$3,285,000 on reservation Indian cases.

From April 1, 1953, through June 30, 1954, the department expended \$2,602,000 for reservation Indian cases. The total amount spent for the 4 years' period, then, is \$5,888,485.

The reason that I have broken it up into two segments in that period is because our Santa Fe agreement was terminated in April of 1953. Prior to that time there was an arrangement with the Bureau of Indian Affairs, whereby we supplemented their general assistance grants, so there is a difference in cost involved, and I made the break at that point for that purpose.

Based on our February 1955 caseload we are expending at the rate of \$2,117,700 per year on reservation Indian cases, and old-age assistance, aid to the blind, and aid to dependent children.

Now, in connection with that, and the average grants, I would like to make some comment, but this is statistical information only, and I am drawing no conclusions nor making any recommendations.

First of all, let's proceed from the premise that we have in the non-Indian population in Arizona some 900,000 persons. Let us also presume that among the Indian reservations we have approximately 75,000, of which 50,000 are on the Navaho and Hopi Reservations, the other 25,000 being on all the other reservations in the State.

Bearing those figures in mind, I would like to give you our caseload statistics, to show you the relationship between assistance in the non-Indian population and the reservation Indian population.

In the non-Indian population, in old-age assistance, in the month of March we had 12,098. In the Indian population, on the reservations, 1,650, which is broken down into two categories, those on the Navaho and Hopi Reservations, and all others. Those on the Navaho and Hopi Reservations were 969; those on all others were 681.

In our aid to dependent children program, in the non-Indian population, we had 3,656 cases or grants. In the Indian population, 1,097. Of those 1,097 grants, they represented 3,030 children. Broken down in the Navaho and Hopi Reservations combined, there were 685 grantees, 1,941 children. On all the other reservations, there were 412 grantees, and 1,089 children.

In our aid-to-the-blind program among the non-Indian population, 551 grants. Among the Indian population on the reservations, there were 178 grants.

The Navaho and Hopi Reservations accounted for 112 of these, and the other reservations accounted for 66.

With reference to our average grants, in which you expressed an interest, Senator, yesterday, our average for Indians on reservations and old-age assistance is \$51.13 per month; our average grant for ADC for the family unit is \$75.63; our average grant of aid to the blind is \$55.91.

With reference to the other question you asked me, Mr. Chumbris, about these desertion and dependencies, and desertion and illegitimacy, we conducted a study in our Navaho and Hopi Reservations, and we restricted that study to those cases in which desertion was a basis for eligibility for ADC.

Before I give you this information I want to express a cautioning note, that it is going to be very difficult to draw any general physical conclusions from these particular statistics, because they represent a very select caseload, that is, those cases in which eligibility is based on

desertion. This represents approximately 34 percent of our ADC load on the Navaho and Hopi Reservations.

First of all, let me enter into the record what we have used as a definition for a legitimate child in connection with this study that we ran in the last couple of days. We decided that, based on the information a worker had, and that which was expressed in the case records, that we would consider a child legitimate that was born to a couple who, according to our records, might be regarded as married in accordance with either State law or tribal custom.

The others, therefore, were what we would label as illegitimate children.

Now, our study on the Navaho Reservation revealed the following, that out of 640 ADC cases, representing 1,842 children, there were 216 cases of desertion involving 627 children; 91 of these 216 mothers have 155 illegitimate children. We estimate that from 20 to 25 percent of these mothers have had a child illegitimately since being on ADC.

Of the 91 mothers who had these 155 children, 48 of them have 1 child; 29 of them have 2 children; 8 of them have 3 children; 5 of them have 4 children; and 1 of them has 5 children.

From our review of the records, we draw the conclusion that practically none of these 91 were under 18 at the time that they had their first child, which may have some bearing on the question of juvenile delinquency, as you are investigating it.

Now, with reference to the Hopi Reservation, the caseload of 45 ADC grants showed approximately 99 children involved. Nineteen of these forty-five are desertion cases, representing 38 children.

There are 9 mothers in this caseload of 19 who have had 14 illegitimate children; 3 of the 9 have had children since being on ADC. Of the 9 who have 14 children, 6 have 1 child; 2 have 2 children; and 1 has 4 children.

We draw the same conclusion that practically none of this caseload, or that in no case in this caseload were any children born where the mother was under 18 years of age at the time of the birth of her first child.

Let me repeat: We have drawn no conclusions from these figures, because they represent a very select caseload of desertions.

Mr. CHUMBRIS. Mr. Warrington, what is the thinking of the Welfare Department on the action that must be taken by the mothers of the illegitimate children before they are qualified for ADC?

Mr. WARRINGTON. Well, we routinely, of course, report the desertion to the law-enforcement agency.

Mr. CHUMBRIS. Let us assume that you report it to the tribal agency. Supposing the tribal agency takes no official action, as was indicated in some of the North Dakota areas, and the mother was not required to file an affidavit, still under those same circumstances, would you qualify her for ADC?

Mr. WARRINGTON. Yes.

Mr. CHUMBRIS. Whether she took aggressive action or not?

Mr. WARRINGTON. Whether there was any result in the court action or not.

Mr. CHUMBRIS. Let's say she did not file an affidavit, in some instances the mother, either timidly thinking she could get it anyway, did not file any affidavit against the alleged father of that child, would you give her ADC?

Mr. WARRINGTON. Yes.

Mr. CHUMBRIS. And for what reason?

Mr. WARRINGTON. It would be my understanding that we would have no other choice under the Social Security Act.

Mr. CHUMBRIS. There seems to be a dispute as to that. Some people interpret it as stating that you have to give ADC, irrespective of what attitude the mother takes, because you are trying to protect the illegitimate child, and some witnesses testified they interpret the Social Security Act to be that the mother must take aggressive action to determine who the parent is, and make him pay through the tribal court, Arizona State court, before its mother can receive ADC.

What position does the State of Arizona take?

Mr. WARRINGTON. I think our Department historically has subscribed to the first school of thought.

Mr. CHUMBRIS. You want to protect the illegitimate child, irrespective of the attitude of the mother and father?

Mr. WARRINGTON. That is right. That should not imply that we do not try to convince the mother that she should do that.

Mr. CHUMBRIS. What have you done to bring about a state of cooperation between the Welfare Department, the State officials, where they do have jurisdiction, and the tribal officials, where they have jurisdiction, in carrying out a procedure to determine who the parent is, if possible, or to force the alleged parent of the child to contribute to the support of that child?

Mr. WARRINGTON. You are not restricting the question to reservation Indians?

Mr. CHAMBRIS. That is right.

Mr. WARRINGTON. Off reservation, generally we have set up a special team of men who are designated as enforcement liaison representatives to follow up cases of this type and coordinate our Department with those of the law-enforcement agencies.

So far as reservation Indians is concerned, it is primarily a matter of direct contract through either the Navaho unit—we have not extended the enforcement liaison operation to reservations as yet.

Mr. CHAMBRIS. One of the particular points stressed at the hearings in North Dakota, and I only bring that up to see if we can come to some congressional solution to this problem, if it needs congressional action, and the attitude of North Dakota State officials was that the ineffectiveness of law and order on the Indian reservations resulted in a great payment of ADC, because no action was taken to determine who the parent was or to force the parent to support the child.

Do you have that situation here?

Mr. WARRINGTON. As a general observation, without being too specific, I would share in that conclusion.

Mr. CHUMBRIS. Is that the same situation here in Arizona?

Mr. WARRINGTON. Generally speaking, yes.

Mr. CHUMBRIS. Is there anything done by the State officials to correct the situation, to bring about greater cooperation to correct the situation?

Mr. WARRINGTON. There is a matter of constant contact with the appropriate tribal authorities continually going on. We very recently had a discussion with Mr. Nelson on this very problem, and we are expecting some results from it.

Mr. CHUMBRIS. Has the record reflected any success in trying to bring about more effective enforcement, or, I should say, a more effective procedure in getting the parentage established, or the alleged father, if he is known, to pay toward the support of that child, or is the situation about the same over a period of the last couple of years?

Mr. WARRINGTON. We are expecting the situation to improve through our cooperation with Mr. Nelson, in the immediate future.

Over the past 2 or 3 years, I would say that there has been measurable improvement.

Mr. CHUMBRIS. There was?

Mr. WARRINGTON. Or that there was no measurable improvement.

Mr. CHUMBRIS. Would you say it was about status quo, then?

Mr. WARRINGTON. Yes.

Mr. CHUMBRIS. That is all I have.

Senator LANGER. Mr. Warrington, Senator Kefauver, who is chairman of this subcommittee, is very much interested, as you know, in the entire Indian problem, and he is sorry he could not be here, but there is one question he wanted me to ask you, on this question of illegitimacy, and that is: Is that problem any more prevalent among the Indians than it is among the whites?

Mr. WARRINGTON. In anticipation of your question, Senator, that is why I specifically drew no conclusion from the figures, because we would have to analyze the entire caseload and analyze the general Indian picture, and compare it with the whites.

Senator LANGER. Is Dr. Salisbury still here?

Mr. CHUMBRIS. I understand he has left.

Senator LANGER. Well, I wonder if you could get him on the telephone sometime this afternoon, and ask him this same question.

In connection with crossing the border in those cases involving 770 houses of prostitution that were not registered, I would like to find out whether those cases represented more Indians than white people.

In North Dakota we found that the legitimacy wasn't any greater among the Indians than it was among the white people—or the illegitimacy—isn't that right?

Mr. CHUMBRIS. There was a great difference in ratio.

Senator LANGER. Only on one reservation.

Mr. CHUMBRIS. In one reservation, for instance, in Rolette County, they showed almost 20 percent whereas the remaining population was not anywhere near that high.

Senator LANGER. I am very curious to get the figures for Senator Kefauver. After all, this is his committee, and I am just asking for him.

Mr. CHUMBRIS. Thank you very much.

Mr. Royal Marks, will you come forward? I think you have a delegation with you.

Mr. MARKS. Yes; there are several here of the Hualapai Tribe, and from the San Carlos Apache Reservation, that I represent as general counsel.

Mr. CHUMBRIS. Well, supposing we have your statement at this time, and then we can have a statement from those of the delegation, and we will get to each of them.

Mr. MARKS. That is what I thought you had in mind.

Mr. CHUMBRIS. Yes.

Senator LANGER. How are you?

Mr. CHUMBRIS. Just before we get started, I would like to have Miss Anne Hughes please come down to the witness table. Miss Hughes is working on the project with Mr. Marks, of the Sertoma Club, where she heads the youth employment project at the Sertoma Club. She is an active director. This is run by the youths themselves, and I thought you would like to have her here.

**TESTIMONY OF ROYAL D. MARKS, ATTORNEY, PHOENIX, ARIZ.,
ACCOMPANIED BY MISS ANNE HUGHES, SERTOMA CLUB, PHOENIX**

Mr. CHUMBRIS. Mr. Marks, will you state your full name for the record, please?

Mr. MARKS. Royal D. Marks, of the law firm of Marks & Marks, Phoenix, Ariz.

Mr. CHUMBRIS. And which Indian groups do you represent?

Mr. MARKS. I am general counsel for the Hualapai Tribe in Arizona, and the San Carlos Apache Tribe in Arizona.

Mr. CHUMBRIS. Senator Goldwater wrote the subcommittee and asked us to consult with you, and also have you here to express some of your views, and since you are so well versed on the Indian problem, we took his advice.

Now, will you proceed in any manner that you care to?

Mr. MARKS. I appreciate the opportunity, very much, Senator, of testifying here today. In fact, it is quite refreshing to have a subcommittee such as yours come into the field, because most of the time we have to go to Washington, and we appreciate very much your taking the time to come here.

Senator LANGER. May I just say that it is Senator Kefauver's attitude that we go into these various places, rather than have them come to Washington.

Mr. MARKS. We appreciate that very much: I know that the Indian folks do, too.

Now, I do not want to take up very much of your time. I have always felt that you should hear from the Indians yourself about their conditions. It is my feeling, as you expressed it so well yesterday and today, that we need more investments, a better living condition right here at home in the United States, such as better homes, better schools, more recreational facilities—not that they don't need help abroad, but first of all we should take care of American citizens, and I was happy to hear you say that money was going abroad and not going where it was needed here.

Senator LANGER. It would interest you to know that there are \$3,500 million more going abroad this year. Do you happen to know what the assessed valuation of Phoenix is?

Mr. MURPHY. No, sir; I don't.

Senator LANGER. Is there anyone here who knows the assessed valuation of the State of Arizona?

(No response.)

Senator LANGER. Well, anyway, the assessed valuation of North Dakota is roughly \$2 billion, or a little over that, and that includes every horse, cow, sheep, land, and everything in the State that is taxed.

A little bit over \$2 billion. Yet we are giving away to foreign countries \$3,500 million.

That will give you some idea of what this great giveaway program amounts to.

I might add that the Democrats and Republicans vote for it, alike.

Mr. MARKS. That is true.

I appreciate that, too, Senator, and I think that is one of the reasons why I am glad to hear you express yourself, because especially here in Arizona and New Mexico, we have a distinct problem that is not appreciated sometimes by the eastern Senators.

I know that Senators Hayden and Goldwater have a problem sometimes in convincing them that we have two distinct problems involving full-blooded Indians, and not what they refer to as "blue-eyed Indians," when they go to conventions and see people as white as you and I, and they are on the Indian rolls.

I thought most of this was to be built around juvenile delinquency. It is my feeling that one of the main problems is adult delinquency on our Indian reservations. However, I don't think we should point to that any more than in our local communities.

I was amused at the statement that Senator Goldwater was quoted as having made in a recent newspaper article, in saying that we have just as much cleaning up to do in the country club tracks as we do south of the tracks. In Phoenix that is true.

We went into this youth employment project, and Miss Hughes, whom Mr. Chumbris just introduced, is our local director. That was one of the reasons we did it, because we felt that busy hands would not be delinquent hands, and we wanted to give youth the same chance that everybody else has, and that is one of the biggest problems on the Indian reservations, too—to keep them occupied and busy.

But it is a community problem; it is not just an Indian problem. The communities adjoining these reservations also should participate in that same project. We have seen that so well illustrated in eastern Arizona. The San Carlos Apaches had problems in Globe and Safford with respect to discrimination, and so forth, not only among youth but also among the adults.

The Eastern Arizona Law Enforcement Association was organized. That was comprised of some of the judges, county attorneys, and sheriffs. They went to work on the problem, and I am happy to say that it was improved 100 percent, and I think the San Carlos Apache leaders here today would bear me out on that.

That blossomed out into the Eastern Arizona Indian Association, because they became interested in Indian affairs. What I am trying to show is that if the communities near these reservations would take the same interest in the reservations that the Indians themselves take sometimes in the community, that then we would have a much faster solution to this ever-increasing problem. It is a problem, of course, that the Indians themselves have to help toward, and I think they are willing and ready to do that. We have had that up on the Hualapai Reservation, which is 50 miles east of Kingman. They have problems there, and you will probably hear from Mr. Parker and representatives from the Hualapai Reservation on that.

It is the breaking down of this barrier that exists sometimes among our white population, and they talk about assimilation of the Indian. I think in the American way of life they should spend more time

with symposiums on assimilation of the white man into the Indian way of life. That is one of the problems we have, and that is forcing a dual culture on Indian citizens of ours, that has made them confused, at least in my humble opinion, and I have been working with Indian tribes for the past 10 years, and have been pretty closely identified with them.

I spend a lot of time, and I certainly do not have the answers to it, because I don't think there is one answer. But they are just the same as anybody else, and if they are given the same opportunities that we have, and have had, I am sure that in time they will, and they are now standing on their own 2 feet, but they will be able to stand better on their own 2 feet.

I was happy to hear that gentleman from the Menominee Tribe tell us about Public Law 280, and what he said coincides exactly with the thinking of most of our Arizona Indians on that same problem.

There is a crying need for adult education. That is what we need. I don't mean by that, schooling, because most of the adults on Indian reservations are too old to go back to school, but they need help in their home lives, and that is where funds could be better spent, perhaps, on the reservation, and by that I don't mean strictly social work, either, but some help with adult education, so that they can improve their home lives, and they cannot do that without better homes.

I was happy to hear some of the statements made here yesterday, and some of the questions you asked about why they cannot get farm-home loans. We went into that; I might say that I had the honor and pleasure of being associated before his death with Felix Cohen, who testified many times before your committee.

Senator LANGER. Many times; he was one of my dearest friends, and I was at his funeral service.

Mr. MARKS. He was one of my dearest friends. I worked closely with Felix when he went into private practice in Washington, and it is largely through Felix's efforts that we were able to get help for Indians on restricted lands.

I have here a memorandum that I received from Felix, dated July 7, 1951, and it had to do with Indian participation in the Farmers' Home Administration loans and grants, and I thought you might be interested in getting it.

I went into my files and I dug this out. It was through his efforts that individuals holding restricted land were able to obtain those loans, but the same discrimination applies to most of our Indians in Arizona who are on what we call tribal lands, or land held in trust by the Government for the tribes. They cannot get this farm home loan. They are not eligible for it, and it is going to take special legislation, and I think that perhaps there should be some consideration given to special legislation so that they can receive some loans to help them improve their homes.

I know that the San Carlos Apaches want it, and they need it badly, and I know that the Hualapais want it and need it badly.

I hope out of your report will come some recommendation for loans that they cannot get from the lending agencies; the banks could not under that banking law loan money to Indians on reservations without being able to show some security for the loans, and they cannot take a mortgage on the land, so we are stalemated in that sense, and

I am sure you are familiar with it, but I thought I would refer you to this part 306 of the farm housing assistance for certain restricted Indians that was changed under the regulations, and was part of the Federal Register of July 11, 1951, volume 16, No. 133, pages 6713 through 6715, and there you will find that they were able to get some loans through for individuals having restricted land.

Prior to that time, they hold, of course, that they were lands that could not be alienated because they had to get the permission of the Secretary.

We have many other problems, but I would like to have made a part of the exhibit record here something that the San Carlos people are doing on their reservation. They are disseminating to their people, through the Apache Newsletter, the things that they do through the tribal council and through all their efforts, and what is going on in their reservation, and I would like to have it made part of the record, because I think more Indian tribes should and can help inform their people as to what their tribal councils are doing, because it is largely a matter of ignorance among the rest of the Indians on the reservation that they are against certain things that maybe a tribal council has recommended be done through legislative process, but it is a matter of ignorance. If they advise the people and have meetings with them, I know that the San Carlos Apaches have been doing that.

Senator LANGER. That paper may be made a part of the record.

(The newsletter was marked "Exhibit No. 7," and is on file with the subcommittee.)

Senator LANGER. You may proceed.

Mr. MARKS. You will hear testimony from Mr. Dodge, and members of their council, to show what they have done on their reservation to help improve the lot of their people. But one of the greatest problems they have, and I think Dick Harles mentioned this yesterday, is still the redtape that we are faced with by going through the Indian Bureau.

There are a lot of people in the central office, and unfortunately there are still some of the old school up there who think that these Indians cannot think for themselves, and they do not want to give out authority in the field in order to permit them to do things.

Now, we have a hot issue on uranium here. We have been almost 2 years on the Hualapai Reservation trying to get through a permit. We have several people interested in spending thousands of dollars there, because we think there is uranium, which would bring a lot of money in to the Hualapai Tribe, but we have been 2 years trying to get a permit so that they can get started and explore and spend the money, and then perhaps have a lease for the area they want to lease, and then have that bring in royalty payments.

As Mr. Parker said yesterday, there is a \$25,000 bonus that is pending there now, and I think it finally went forward to Washington on the exploration permit, after almost 2 years. That ground should have been turned a year and a half ago and mining started there.

We have gone through the thing, the same thing, just now on the San Carlos Reservation, where we have spent months and months trying to break down this redtape so that they could be in a position to receive bids on this reservation for the exploration work and leasing.

There are just innumerable things there. I do not want to take up too much of your time.

Senator LANGER. You take all the time you need. We are very much interested. Take all the time you want.

Mr. MARKS. I am trying to talk as fast as possible.

There are other things on the tribal court situation that a lot was made out of, and I am happy to say that the tribes I represent requested that we work with them and revise law and order codes, and we are in the process of doing that now, to try and make them comply as much as possible with State laws, so that they can get ready for the day when they have to have the same laws apply on their reservation, as well as off the reservation.

They not only have problems with their criminal enforcement, but they have problems with their civil law, because, after all, anything involving Indians on the reservation comes before the tribal court.

It might be interesting to know that before the Papago tribal court a damage action involving \$60,000 was taken up. Now, before that court, no lawyer is permitted to attend or to represent the people who are involved in the controversy. I have had two lawyers from Tucson call me about it, and I had to tell them that we had been working on it. I discussed the problem with Tom Dodge, who is superintendent of the San Carlos Reservation, and who is a lawyer, and a very fine man, and we have been discussing the possibility of some kind of limited jurisdiction as it applies to the civil court, perhaps, and then having some higher court, having like it our justice court, up to 200, and having a higher court, so that they could hear cases for over that amount.

We have come up with the suggestion that there might be a retired judge, such as Judge Faulkner in Kingman and Judge Ferris over in Globe, who might sit as an appellate court, or a higher court, to hear those cases.

Then we have another suggestion that I would like to leave for the record here, and that is a circuit judge to travel around, maybe around the various reservations, to sit 2 months on the Navaho Reservation, a month on the Papagos, and so forth, and to hear the civil cases that involve considerable sums of money, and really the rules of evidence should be followed, and certain factual information brought out before some hasty decision is made, and perhaps some man deprived of his property without due process of law.

So those are some of the suggestions that we have been working on.

Lastly, I would like to discuss for just a moment the health situation that you talked about yesterday, and I may not have understood you, Senator, but I am inclined to disagree with one statement that I understood came out here yesterday, and that was that an Indian, for example, who is living here in Phoenix, working in Phoenix, say, for the Railway Express Agency—I just happened to think of one who was working for the agency for 40 years, and a very fine man, living here with his children, and he has a home here—now, if he should become destitute and need health assistance, I don't think that man should—and I say this breeds discrimination—don't think that the Indian hospital should have to care for that man who has established his home off the reservation and has definitely established a residence in some other locality off the reservation.

I think that just breeds discrimination, and I think it keeps the Indian under that paternalistic sum of the Government that we are trying to get out from under.

I hope the Indian folks agree with me on that fact. I don't say that an Indian living in Phoenix and going back to the reservation should not come under the Indian Service. I am talking about an Indian who establishes his home off the reservation, and then through some manner or means becomes unemployed and unable to care for his own, or his family's health condition, then I think he should have the same treatment that I have.

Mr. CHUMBRIS. Would you qualify that?

For instance, let us take a family in North Dakota coming to Phoenix on the relocation program, and they have not yet quite established themselves, and they require medical attention. We have had instances where the first time the father or mother or the children get sick they rush right back to the reservation where they can get hospitalization.

Mr. MARKS. I am glad you brought that out. That is why I made a statement, that they had established a definite home in Phoenix, Kingman, Globe, or Safford, and have become firmly entrenched, and have their routes there and have an established job.

Certainly someone on a relocation program takes a year or two to become established, and I think that while that is taking place, that the health facilities of the United States Indian Service should be still available to them. I would certainly qualify it to that extent.

I just know that it is the endeavor of your committee, Senator Langer, and I know Senator Kefauver and his subcommittee, to try and reach some common agreement and solution for this problem, and we certainly appreciate the fact that you are here to listen to them.

I don't know whether you want me to go into youth employment or not.

Mr. CHUMBRIS. Yes. I would like to have you explain your youth program.

Senator LANGER. Just a moment. In connection with this uranium that you mentioned, has that been settled, or hasn't it?

Mr. MARKS. No; it has not. I am glad you brought that up.

Senator LANGER. I want to tell you that we had the same problem in North Dakota, and I took it up with the Department of the Interior, and just last week I got a letter that they are still debating what their policy is going to be.

Mr. MARKS. I am glad you brought that out, because Walter Bimson, who is chairman of the board of the Valley National Bank, and he has been chairman of the San Carlos Economic Advisory Committee, when he saw the redtape that they were going through, he and some of the others got together and prevailed upon the Department of the Interior to issue an amended regulation which would permit negotiation for these leases or exploration permits, and not have them all subject to advertising the way they are now under the regulation.

This amended regulation, I believe, came out in the middle part of January 1955, and just a few days after that a memorandum came out of the Commissioner of Indian Affairs Office to the area directors, and so forth, that that is fine, but in their opinion there should be some criticism focused upon the Indian Bureau because they neglected a permit or lease, and they should advertise it.

So it put the monkey right back on the back of the poor area director and superintendent, and, therefore, rather than have any criticism focused on them, they say, "We will advertise it."

So that really revoked the order. We took it up again with Orme Lewis, who happens to come from Phoenix, too, and I think they are now going into it again, because we feel on these mining permits, and especially on something as hot as this uranium is now, that certainly the tribe is going to look into the financial responsibility through their attorneys and other officials, to see that the people wanting the permits or leases are financially able to go forward. The superintendent is there, and the area director is there, and through his facilities he will be able to investigate.

I certainly feel that we out here know a lot more about the ability of these people to carry forward than they do in Washington. They sit back with these rolling hills, and, of course, they cannot even see the problems that we have with our mountains and valleys. They say we should do it in 10,000-acre lots on permits. It is impossible to cut them down lower than 50,000 or 60,000 acres in many instances, but they cannot see it back there, and we are trying to make them see it. I am glad you brought that out.

I know that the area office is doing everything it can to try and expedite the matters.

Now, coming into the youth employment service. I think you are familiar with the White House Conference on Youth, that they had in 1948, and the Arizona Conference on Youth here, and there was a young lady by the name of Karen Stallcup, who was 17 years old then, attending high school, who gave a paper and talk about the Arizona Conference on Youth, and thought of the idea of helping these kids find jobs, so she suggested the formation of the Youth Employment Service.

The chief juvenile probation officer, Johnny Walker, became quite interested in it, and several others, and before they knew it they were started. They had conferences with the high school and various people and I am happy to say that the offices were donated, and the first morning they opened up they had hundreds of kids in a line of about three blocks long around that office. It came to a point where they needed help, and we happened to see the editorial, and our Sertoma Club offered to help, and fortunately we were picked to sponsor the Youth Employment Service project.

We have spread it through the international organization of Sertoma which is the second oldest to the Rotary Club, and now have it going across the United States. We have 32 clubs participating, and a lot of the new clubs are taking it on. Our motto is, "Youth Employment Service run by youth for youth."

You see this young lady freshman out of Phoenix College who is our director, Mary Sue Hughes, our present director. Mary Sue Hughes is the present director of the Youth Employment Service, and we felt that perhaps this is something else that communities around the Indian reservations might take on.

I think Mr. Chumbris stated a week or so ago that there was some testimony given before this committee.

MR. CHUMBRIS. Yes. Last Thursday, to be exact, the subcommittee had a hearing on youth employment and its impact on juveniles, or the lack of youth employment, and your organization was mentioned by the Department of Labor's representative at that subcommittee, and Senator Kefauver asked that the staff contact your international organization, as well as your Phoenix organization, to find out how you

operate, to get your plan to use, so since we are here we would appreciate the material that you have and to meet the young lady who is the director of the Youth Employment Service.

MR. MARKS. I am very happy to present to you our present director, Mary Sue Hughes.

SENATOR LANGER. I certainly am pleased to meet you, and I want you to meet your distinguished mayor.

MR. MURPHY. I certainly am glad to meet you, young lady.

MR. MARKS. I would like to offer for the record, this little brochure which our club has just recently gotten out. You may have it for the record.

We will be glad to help the committee in any way we can, and I know that Mary Sue will help in any way she can to tell you how we worked it in Phoenix.

I think Mayor Murphy is acquainted with it. I know that the juvenile probation officer said that this one agency did as much or more than anything else to reduce juvenile delinquency in our city.

MR. CHUMBRIS. There is a method in my madness in bringing you here. How could this program be projected into a Youth Employment Service for the Indian children on the reservation, and how could such a project be made statewide, and from statewide be made nationwide.

MR. MARKS. Well, perhaps so far as you men in the Indian Service is concerned it would be statewide.

MR. CHUMBRIS. That is right.

MR. MARKS. Well, it would probably have to be taken on by a women's club group. For example, I know they have a women's club group at San Carlos, or by the tribal council itself, and they would have to find some young person on the reservation, and I do think that Mary Sue will agree that it should be a young person, to start the office, and then try to solicit jobs.

The unfortunate problem we have is that we do not have the jobs available on the reservations for these youths. I know that the San Carlos have tried to find jobs for their youngsters in their cattle and livestock associations during the summer time, and through the Future Farmers, and so forth. Maybe Mary Sue has some ideas.

MISS HUGHES. Well, I don't know exactly, but I think it definitely should be run by a youth. I might suggest that we have several Indian applicants that do come into our office, and I find that they have many problems. A lot of them live at Indian schools and are looking for jobs.

Well, they come into our office, and we treat them like any other applicant, and try to place them. When they go back to the reservation, they cannot work, and their family conditions are so different at home, because they have learned the new ideas that they have many problems, and they cannot get the same type of job out there that they get here, and that might lead to a lot of juvenile delinquency.

As I say, if you could figure some way for them to get steady jobs after they get out of school here, and even have an agency in Phoenix that they could start out by just establishing themselves here, instead of on the reservation, I doubt if there would be many jobs for them on the reservations, at all.

MR. CHUMBRIS. The purpose would be to have an agency or agencies on the reservation so that the youths could be projected to the larger areas where the jobs would be available.

We certainly do appreciate your suggestion on that, and we will take it under consideration and pass it on to the area director, and see if there is some way that they can move it along.

MISS HUGHES. I think it would be a great project.

MR. MARKS. With a little financial help it could be worked. I see the point.

SENATOR LANGER. But you see, this brings us right back to this question of health. I rather think you misunderstood me yesterday. We have up there in Rolette County in North Dakota, a situation where, when we built the Garrison Dam, after a great deal of persuasion we got the contractors to hire Indians and help build that dam. Those Indians, of course, had to travel about 200 miles. When they became ill, mind you, the families were over in Rolette County, and when they became ill there was not time to get them into a hospital in Rolette County, so we put them in a hospital right close to the Garrison Dam.

The Indian department would not pay for their care there. Those Indians, of course, were not getting enough money to carry their families and they were not making enough to pay big hospital bills in addition to that, so the result was that a lot of the Indians refused to go.

If you do get jobs for some of these young Indian boys and girls over here, and they should happen to become ill, don't you think that the Indian department should pay for their care while they are here?

MISS HUGHES. Well, for instance, take a person like Mr. Marks was referring to, a person who is completely established should be able to take care of his own responsibilities concerning health, or else go to the county hospital, or something like that, if he is destitute.

You will find that most of the younger generation among the Indians want to take care of themselves, especially the ones who are getting an education.

I have the opportunity of discussing a lot of their problems with them, and a lot of them are so unjust, they come in and get jobs, and get going along beautifully, and then they have to go back to the reservation, and they are right back where they started from in an environment that they are completely beginning to grow out of.

SENATOR LANGER. Well, I think you have made a very valuable contribution, and I will tell Senator Goldwater that you did.

MR. MARKS. I wanted you to hear from these Indian folks again.

SENATOR LANGER. Senator Goldwater is a very dear friend of mine.

MR. MARKS. Yes; and we think the world of him. He is familiar with the Indian situation here and is doing a great job.

SENATOR LANGER. Senator Kefauver gave a speech a while ago about spiritual values, about the work of the church, that I thought was a masterpiece. He had the different churches more interested than even they had been. Senator Kefauver is a very religious man and, as you know, that is one reason why he is so violently interested, as shown last week at the hearings in this youth matter. He thinks that this juvenile delinquency can be curbed, if a child goes to church, no matter what church it is, if the child goes to church regularly it makes a great difference in the life of that boy and girl so far as juvenile delinquency is concerned. Now I don't know whether I stress the

matter of going to church the way Senator Kefauver does, but we think there is a whole lot of the religious and spiritual angles so far as the youth of this country is concerned.

I believe that Senator Kefauver feels that there has been a tendency to underrate the value of the spiritual field.

Miss HUGHES. Well, I think that your spiritual guidance is fine, and I completely agree with you myself, but if you force a teen-ager to go to church, you accomplish nothing, it turns to hatred against it. If you force them to do anything like that they will have a chip on their shoulders toward you. You have to want to do it.

Another thing I might suggest, I was sitting here and all of you men were talking around so very intelligently, but I heard you say that the next generation, the young generation, are the ones that you should be concerned with. I think that you should have some of the young Indian boys or girls speak on what they think should be done. After all, they are the next ones who are going into the Government, and they are going to run their tribes, so they are definitely and directly involved, and you are deciding everything for them, and you will find out that a lot of them are intelligent enough to realize what their future might be. They are working for the future right now, so you should have some of their ideas along with your own guidance and background.

Mr. CHUMBRIS. I know that you will be pleased to learn that our hearings at North Dakota, which Senator Langer conducted, high school was let out of class all day, and they followed our hearings. They were asked to participate and ask questions, and some of them did.

Senator LANGER. Yes; and they asked some tough ones, too.

Mr. CHUMBRIS. At all of the four reservations we went to, the schoolchildren attended our hearings, and sat through them. Some of them asked questions, and they asked some good questions.

Miss HUGHES. You will find a lot of times that teen-agers will come up with questions that you would not think of. I find that even younger kids in the eighth grade will come up with questions that will puzzle me, and I have to go back and look up the answers to them, myself.

The same thing applies to the older people and the teen-agers.

Mr. MARKS. Senator, I would not like to close without also paying tribute to our good Senator Carl Hayden, who has done such a tremendous job for the State of Arizona, and who has helped us with our appropriations. Senator Hayden did a fine job for Arizona when it came to appropriations.

Senator LANGER. I would say that today Senator Hayden is one of the most beloved Senators in the entire body, he is respected by every Senator on either side of the aisle, he is universally loved. I just cannot tell the people of Arizona, there isn't language for me to express the great love and admiration that is felt for your beloved Senator.

Mr. MARKS. I happen to be on the same side of the aisle you are, so I was speaking of the other side.

Senator LANGER. I am sometimes troubled in knowing what side of the aisle I am on.

Thank you very much.

We will adjourn until 2 o'clock.

(Whereupon, at 12:15 p. m., the subcommittee recessed to reconvene at 2 p. m., of the same day.)

AFTERNOON SESSION

Senator LANGER. Come to order. You may proceed.

Mr. CHUMBRIS. I would like to call Mr. Harless.

Mr. Harless, will you please state for the record the names of the people in the delegation that are with you?

Mr. HARLESS. Thank you. Senator Langer, it is our pleasure to be here with you today, and we wish to thank you for your efforts in trying to bring to the attention of the United States Senate and the American people the problems of the Indians of the Nation.

We have here today a delegation of the Colorado River Indian Tribes. We have Mr. Herman Laffoon, chairman of the tribal council. This is Mr. Laffoon. Then we have Agnes Savilla, who is secretary to the tribal council; Mr. Pete Homer, who is a member of the tribal council, and Mr. Harry Stevens, who is with the agency area office, and who is armed with some statistics.

Before the individual members of the delegation give you their views, I wish to make a few remarks concerning the overall picture, as we see it, on matters affecting the Indians as a whole.

TESTIMONY OF RICHARD HARLESS, ATTORNEY, COLORADO RIVER TRIBES

Mr. HARLESS. I am sure that I do not have to familiarize you with these particular things, but we want to put it in the record that we feel keenly that the Indians, the juvenile problems of the Indians, can be better solved if the area officers and local agencies are given more authority.

We feel that there must be a transfer of authority from Washington to the outlying districts. We have many problems on this particular reservation which will become increasingly difficult, unless this can be accomplished.

The economic conditions of the Indians, the same as with all other peoples, have a direct bearing on their delinquency, both adult and juvenile.

On this particular reservation, one located in Parker, Ariz., we have had a running battle with the Washington office over a long period of time. I recently became attorney for the tribes—I say “tribes,” because they are the Mojave and Chimehuevi consolidated into one reservation, and you would become amazed at the slowness with which the Washington office operates.

We have great resources on this reservation, particularly agricultural resources. We have resort facilities, where a large lake is located on the reservation, as a result of the dam on the Colorado River. This particular tribal council has not been able to operate, because any time they turn any suggestions in they are blocked by the Office of Indian Affairs in Washington. They have had long periods of time elapse before they could get approval of their suggested contracts, and we feel that it is very important that this committee know of some of the problems that are holding them back.

They have their economic problems, and as a result we are getting adult delinquency as well as juvenile delinquency, and it will become worse.

Now, later on I will have some remarks to the committee, but at this time I think we should hear from the chairman of the tribal council and other members of the delegation, and then I will summarize the remarks. Mr. Laffoon.

TESTIMONY OF HERMAN LAFFOON, CHAIRMAN, TRIBAL COUNCIL, COLORADO RIVER TRIBES

Mr. LAFFOON. I understand that this meeting was called to talk about the delinquency of Indians on the reservation. What we are trying to do on the reservation, we have spent out of our tribal funds at least \$20,000 in order to set up a recreation park for our tribe, and we just opened up our recreation grounds last April 2, and we had a free barbecue and invited the whole public to attend.

On the 9th we had team members and also the Los Angeles group to meet down there and play in order to try to draw the attention of the kids, the youths, to take part. We are doing that right along.

In our recreation grounds our tribe established a swimming pool, and we have just purchased a house where there could be boxing, and probably a place for the youths to come and enjoy their recreation.

Now, we have strongly felt that the reason there is delinquency in adults is because there is unease and no security on our reservation. I feel that I should not bring out these points, but I would like to state later that we will bring out what the real trouble is on our reservation.

Mr. HARLESS. Go right ahead and tell what you think. The real trouble is that you have a problem that has been running for 10 years, and I think you might as well put it in the record.

Mr. LAFFOON. Well, you know we had a war quite some time ago.

Senator LANGER. We had a what?

Mr. LAFFOON. We had a war in Korea, and the South and North had a fight, didn't they? They had the South Koreans who fought all the way up to the 38th parallel, and then they stopped, and the instigator of that war was the Reds.

The American soldiers and the South Koreans wanted to push ahead, but they could not push ahead because there was a boundary where they should stop.

Now, on our reservation all of the Indians are fighting the Government, us Mojaves and Chimehuevis down there, are going to be fighting our own brother Indians, which is not good.

They have sent the Navahos down there, which took our land away. We have the township, and between 7 and 8 we cannot go down there, and the instigator of that is the Government, which is the same thing as they done in Korea.

We have an income of \$60,000, and we could have quite more income on our reservation. We have irrigable lands that we could lease, but every time we bring this up to the Government, there is always an ax or a hammer on top of us, so we cannot go anywhere.

The feeling among the Government personnel has become so far apart that we could not unite. When I took office about 3 months ago I had a hard time with my people, because they just have no

security. A lot of them went on taking drinks, forgetting their people, forgetting their children, forgetting the council, and forgetting the land, and that is a headache to us.

Now we are slowly progressing back, and I think we are working better in our local area office here in Phoenix, and also with our Government superintendent at the agency.

But what I am trying to say is that a big tribe such as the Navahos should not come onto a little reservation and try to take our lands away. We have fought for that land. It is our land and, Senator Langer, if you can do something about it, if I should crawl on my hands and knees to beg you to do something about it, I would like to do that, because my own people down there are hurt. They have no faith in me. They have no faith in the council. They have no faith in the Government. We fought for that land, they died for it. We were beaten, many times, but we always hung on to that land, because we are river people, we fish, and we live there. If it overflows we irrigate it by the overflows. We know how to live in the winters. We know how to do what other people in our places do, and we can survive all of that.

But now, since the Navahos and the Hopis came down there, and resettled, I don't think it is right, and I would like to ask you, do you think it would be right if I were to go and set my house on your land, Mr. Senator ?

Mr. HARLESS. Let me explain here, Mr. Chairman, if I may, the problem that he is driving at.

When this particular reservation was established Congress in 1864 passed an act authorizing the President to set up a reservation, and the act of Congress said that a reservation should be for the Indians of the Colorado River, and its tributaries. That was in 1864.

A series of Executive orders were passed over a period of years. Finally, in 1876 the final lines were defined.

In the meantime, other reservations have been set up for other tribes. It would appear from the original act of Congress that it was intended that this reservation was for all the Indians of the Colorado River Basin. Obviously, that was not the case. The Solicitor General of the United States for some 70 years or more ruled that this land on this reservation belonged to these people who were there originally for hundreds of years. They are the Mohaves and the Chimehuevis.

There was a period of time, of course, when the Navaho people were more destitute than they are today. In 1945, the Government officials talked to the tribal council of this reservation, and talked them into passing what is known as Ordinance No. 5, which divided the reservation into two reserves, the southern and northern reserves.

There were approximately 60,000 acres of agricultural land in the southern reserve, and more or less in the northern reserve, with the idea of moving over other Indians on to this agricultural land, and they proceeded to move some of them in.

There was a conflict, and it became evident that those other tribes did not want to farm, and did not want to live in this particular locale, and most of them have gone back. That was the Navahos, the Hopis, and the Wahpits, and others.

In the meantime a conflict arose, and the Washington office of the Office of Indian Affairs has taken the attitude that because this tribal council has refused to cooperate, notwithstanding the fact that the members of the tribe voted to rescind the acts of the tribal council who passed that resolution, they have refused to O. K. the leasing of any of their lands to white men or to non-Indians.

Now, there is a great deal of raw land along the Colorado River, with unlimited water rights. If these people were able to lease their lands to the non-Indians, white farmers, and had the leases they in a short time would be economically independent.

As it is, because of this stalemate, and I quote the words of a gentleman in Washington, that he was not going to let these tribes lease their lands and get rich by sitting on their bottoms and doing nothing, and as a result nothing has been accomplished, and it has created much unrest.

The people are very disturbed. There is adult delinquency, there is a great deal of drinking going on, and we have had full cooperation with the superintendent of the reservation, and the area office has been sympathetic.

We are going to Washington in a short time, taking a committee, in order to appeal to the Interior and Insular Affairs Committee of the Senate and the House, but it is this particular situation that has brought about an unrest on this reservation which is going to create a great deal of delinquency.

We feel that it is another example of domination of the Washington Bureau of the outlying sections. We have the area office and superintendent who could well help to solve this, but they are told what to do.

Now, this committee could be most helpful, if it would recommend that this problem would be resolved so these particular people, and there are some 1,400 members of this tribe, could realize the benefits from their reservation. That is basically one of their problems, and it is fundamental.

As I say, for some 70 years the Solicitor General ruled that these people owned their land and could ultimately realize the benefits, but just recently, some 5 or 7 years ago, because of the dominance of a new Solicitor General, the opinion was changed, and they ruled that today these people own nothing, they have no title interest in their land.

That has caused a great deal of unrest and can result in long lasting difficulties. I just wanted to explain that problem.

Now, Mrs. Savilla is secretary of the tribe, and she might care to say something.

Mrs. SAVILLA. I will answer any questions you might have.

Mr. HARLESS. And this is Mr. Pete Homer, incidentally, who is an outstanding example of what can be accomplished when education came his way. Pete was not inclined to go to school. I think he and a couple of the United States soldiers had something to do with each other, because the United States soldiers went out and caught him when he was a young boy and took him to school. He went through the schools here, and later the Haskell Institute, and he is one of the leaders of his people in this State.

TESTIMONY OF PETER HOMER, MEMBER OF TRIBAL COUNCIL.
COLORADO RIVER TRIBES

Mr. HOMER. Thank you.

I want to add to what Mr. Harless explained here, what I had in mind to say, in fact, he covered all of the notes I had to talk about, but I want to add that when any class of people, like our people at Parker have any protest to make on anything that they thing is wrong, there should be no criticism directed at those people or the tribal council here from the officials of the Government, because they feel they have been treated wrongly. I want to make that plain here.

Mr. HARLESS. You mean, Mr. Homer, if you say here what you think and what you believe sincerely, is there going to be any retribution?

Mr. HOMER. Yes; that is exactly what I mean.

Mr. CHUMBRIS. You can be assured by the chairman that there won't be any such retribution. As a matter of fact, he is encouraging you to say what you feel and tell us of the problems you have, so that this committee can take it up with the Congress of the United States. So we want you to feel free to state exactly what your problem is, without any worry about it, at all.

Mr. HOMER. The reason I say that is, I appreciate what the Government has done for me and for some of our people. I think I have been treated well, because the Government was the only one that educated me, and I think I make myself clear on that.

Now, in regard to ordance 5, of course that has put a lot of freeze on our potential resources, but what we are trying to do is to get the right to lease land. This ordance No. 5 as these people have stated here, has put a freeze on the right of the people to go ahead and make leases, commercial leases, river-frontage leases, and any commercial enterprise that we would like to go into. We have been held back on that.

Now, if some of you people know what Palm Springs, Calif., looks like, I want to tell you right now that they haven't got what we have got.

Senator LANGER. How many acres of land are involved there?

Mr. HOMER. There is about, I imagine about 100 acres of raw land, 100,000.

Mr. HARLESS. Oh, there is more than that, there is that much agricultural land on the reservation. There are about 275,000 acres, Senator. Why, there are over 100,000 acres of good agricultural land in the river bottoms that could be developed.

Senator LANGER. And the previous tribal council signed that away, did they?

Mr. HARLESS. Under the pressure of Government officials who came there before the previous tribal council, they passed a resolution through the council giving away the south 60,000 acres for relocation. That is what I spoke of previously. Then the members of the tribe revoked that.

So we contend that that resolution became null and void, regardless of the legal effect. Because of that there has been a stalemate. The Government has refused to let them lease any of the land.

Senator LANGER. Has there been any action in court on it, Mr. Harless?

Mr. HARLESS. No, and we realize it was necessary to go to court. Most of the adult members of the tribe will probably be dead before they realize any benefits. They may have to appeal to Congress to get some results.

Mr. HOMER. As I started to say, we have a lot of potential resources here that could be developed under leases for commercial purposes, river frontage and homes, and many other things that we could go into. But that has been frozen. So far as that is concerned, they keep telling us that ordinance No. 5 is involved, and that we could not leave our agricultural lands.

Senator LANGER. Did you get anything for that land when you signed it away?

Mr. HOMER. No.

Mr. HARLESS. There was this stipulation, that the Government would level and put under cultivation 15,000 acres of land in the north reserve, the same as they put in 15,000 acres of land in the southern reserve for those who would be moved there from other reservations, and most of that has been put into cultivation.

Senator LANGER. The Government has kept their promise?

Mr. HARLESS. It has not been completed, but they are slowly working to that end.

Senator LANGER. Well, there is a contract, though.

Mr. HARLESS. I don't think so, Senator. You know, I say this, that the Government is a trust for the assets of these people who are wards of the Government, and for a trustee, and you would have to read the notes and minutes, to do, through devious ways, to talk the people out of some of their assets in attempt to get them to contract them away is wrong. I don't think it is a good contract.

And furthermore, there were far more assets in the southern reserve than there will ever be developed in the northern reserve.

Senator LANGER. But, Congressman, the Government did go ahead and level off 15,000 acres and went to a lot of expense. Has there been any effort made to reimburse the Government for doing what they did?

Mr. HARLESS. I think we would be willing to sit down and negotiate, if we could get some kind of negotiations started.

Senator LANGER. Has anybody moved in due to their relocation?

Mr. HARLESS. I believe they moved some 103 families, and more than half of them have gone back. I believe there are some forty-odd families left. Mrs. Agnes Savilla, I believe, could give you the exact number.

Senator LANGER. Because those people have some rights, too.

Mr. HARLESS. We recognize that.

Mrs. AGNES SAVILLA. We realize that these people have some rights in that reservation. I mean, after being moved down there, I don't want you people to get the idea that the Mojaves are so selfish that they would just have those people kicked out, because we would not. But what hurts us is that in the first place, we ask and have asked over a period of 25 years to subjugate that land with private funds, but no, the Government held off and held off, knowing that this program was in the making and now they have gone in and spent public funds, and that is the first thing they throw up to us.

We realize that they have profited by taking the Government over and subjugating those lands, and they expect to under that contract, but they have not completed that yet. For 70 years we sat there, and the Government didn't know we existed, and we sat there owning, or we thought we owned, 10 acres of allotted land, which we could not farm because of the heirship conditions on it, and now we have 40 acres that we can farm, or it has just recently been increased to 80 acres. We are thankful for that.

I don't want the committee to think that we haven't gotten some good out of this. But it was because the Government was doing something for somebody else that we profited. I guess that was one way of keeping us quiet.

This was a Government contract we entered into, where the tribal council signed that, and when we took a referendum vote among our people, and they rejected the whole thing—I think only 3 or 4 voted for that—and they were adopted Hopis—they told us that was a contract and we could not break it.

I don't think that the council at the time realized that they were going to lose those lands entirely when they signed it. The people didn't know anything or didn't know much about it. But in all fairness to the Government officials, I will have to say that some of the local government officials tried to explain it to them.

Mr. HOMER. At the time they signed the contract there was a move on for white veterans who were going to settle on our southern reserve. That is the idea, and they came on to that reservation and they pushed that. Then, in order to make some kind of a political thing, maybe you had something to do with it, I don't know, but anyway, they went ahead and said "We don't want this." They said there was a bill in Congress for the white veterans to settle down here. O. K. So they said, "We don't want the whites to settle down here. Wouldn't you like to see your own Indian people settle down here?" O. K. They were about to lose the southern reserve anyway, so they signed it, thinking that they were helping other Indians out.

Senator LANGER. How long ago was that?

Mr. HOMER. Ten years ago, and we have been fighting it since.

Senator LANGER. A few years ago, or not too many years ago, the Indians sold Manhattan for \$19 or \$26.

Mr. STEVENS. It was \$27, Senator.

Senator LANGER. You cannot set that aside, that was a contract.

Mr. HOMER. Well, don't you think they were swindled by that, just the same as they do to the Indians all the time?

Mr. HARLESS. Senator, I wish to rectify this right now. It says anything that affects the land of the people shall be voted on by the people. When they voted on it, they rejected it, and the Government continued to impose this on them. I don't think legally, under the laws of this tribe and this land, that it was necessary to go to court, because the Government was going to impose something upon them, regardless of the fact that the constitution of this particular tribe was never followed.

Now, whether or not they would talk the tribal council into passing something, and when the people had an opportunity to pass on it they rejected it on the referendum and, as I say, they did reject it on the referendum, we bring up the fact that every acre of their land there

could be developed with private capital today. It would not be necessary during all of these years, if they had the opportunity to lease their land on development leases to cotton farmers and others, it would not have been necessary for the Government to appropriate any money. Because of the attitude they will dominate the people and make them today what they want them to be, the Government has had to appropriate millions of dollars, and they could go ahead today and subjugate every acre of land they have with development leases and private capital, and it would not be necessary for Congress to appropriate money to develop that land.

Now, if they needed to now, if the Government spent some money, it would cease to be necessary to spend public funds.

Senator LANGER. Congressman, when did you leave Congress?

Mr. HARLESS. 1949.

Senator LANGER. How long were you in Congress?

Mr. HARLESS. Senator, I was there 6 years, as you well remember.

Senator LANGER. Why didn't you change it if you were there 6 years and you knew the Indians were swindled?

Mr. HOMER. Just the same, you didn't change it, either. You keep saying how do you get money for the North Dakota Indians?

Mr. HARLESS. Do you want to know something, Senator? I was not fully aware of this problem until just recently. These people did not have an approved attorney at the time this happened. They went for years without proper advice, and only 4 months ago I became their attorney, and I am going to do everything I can to rectify things, in or out of Congress.

Mr. CHUMBRIS. Congressman, has this matter been taken up with the Senate Committee on Interior and Insular Affairs?

Mr. HARLESS. Mr. Chumbris, if they will approve my contract in Washington, I am well aware when I say what I say here today that I may never get my contract approved, but if my contract has been back there for some time—I see Mr. Haverland and Mr. Nelson, and they cannot understand why it has not been approved, and I cannot think anybody in Washington would be so near-sighted as to disapprove my contract, because I take a definite stand for my people.

I know of one attorney's contract; he had a contract for 1 year, and 1 month after his contract was completed he got it approved in Washington. You know how slow things move.

This particular tribe was 14 months getting a form of a contract and the leasing of land on the river for a trailer court; 14 months. We plead with you to do all you can to get the Washington offices out of the hair of the Indians of Arizona.

Senator LANGER. Mr. Harless, during the years you were in Washington as a Congressman you had a Democratic President, a Democratic Senate, and a Democratic House, and now you come to a Republican and overnight you want him to change things.

Mr. HARLESS. Senator I think I raised as much hell about the way things were done in Washington about Indian affairs while I was there, and I think we have continually to make those people in Washington realize that you cannot dominate all of the Nation from the State's capitol. If you expect a people to become great and independent and free from delinquency, you must give them responsibility. There is an old, old maxim that if you expect the son to show

his wares and to shine, you must get him out of the shadow of his father.

And so it is here, we expect the people all over Arizona, not only this tribe, but others, in order to accomplish anything you have got to give them independence and bring down the responsibility from Washington to Arizona and spread it throughout the reservations.

Senator LANGER. Well, the easiest solution I can think of is to have you appointed as federal judge, and then have an action brought before you so that you could do justice.

Mr. HARLESS. You know that the Republicans are in power.

Mr. CHUMBRIS. Congressman, the reason I asked you that question, I was wondering if when we get back to Washington, if we could take that matter up with the Subcommittee on Indian Affairs headed by Senator O'Mahoney? This has not been presented to that subcommittee.

Mr. HARLESS. No.

Senator LANGER. Well, within a few days after we get back I will take it up.

But, Mr. Chumbris, there is no use in holding out hope to a group of people when there isn't one chance out of a hundred that we are going to be able to help them. I don't propose to sit here and say that I can set aside a contract. The only place you can do that is in court.

Mr. HARLESS. We think, Senator, that if this proceeding were analyzed by the proper committee of Congress, both the House and Senate, that they will see it as a noncontract. If they would study the proceedings, then it would not be necessary for these people to subject it to the years of waiting while they are trying to get a decision of the court. That is why we appeal to the Senate.

We have Mr. Stevens on statistics, and we should like to give him an opportunity to present them, but he wanted to emphasize this point to you. You are one of our United States Senators, and we feel one of the important ones——

Senator LANGER. There is no use flattering me, it won't do you any good.

Mr. HARLESS. I could not flatter you, Senator, if I tried.

Mr. HOMER. Senator, you just said you couldn't do nothing about a contract. Don't you think that the Government was obligated to see that we all got an education? Isn't that a sort of contract with the Government and the Indian people?

Senator LANGER. Maybe we can help you get a law through for education.

Mr. HOMER. When you were pounding all day yesterday, you sat here and said a lot of things, now you say I don't know what I can do for you.

Senator LANGER. Well, I am not going to sit here and lie to you. Your tribal council signed away that land, and the only way you can get it back is through an order of the court, in my opinion. I don't think that Congress could pass an act. Other people moved in, and they have title to part of that property. They put homes in there, so I should not sit here, and will not sit here and pretend I can help you when I cannot.

Mr. HARLESS. Senator, there was a case where the whole tidelands of Texas were passed on by the Supreme Court of the United States,

and Congress passed a law giving that land back to Texas and California. If we have the modus operandi of the various members behind this, we will get justice.

Senator LANGER. Well, I hope you get it, and I would like to see you get it, but I think your best plan is to sit down like you mentioned a minute ago, and try to figure something out, but you had to call in the people who settle on that land. The Navahos came in and they are entitled to protection, also.

Mr. HARLESS. There is a moral obligation regardless of a legal obligation, and these people are ready, willing and able to negotiate. We wanted this to come to your attention so that their rights will not be forgotten.

Senator LANGER. How long have you known about this?

Mr. HARLESS. I became tribal counsel the first part of January.

Senator LANGER. Of this year?

Mr. HARLESS. This year.

Mr. HOMER. You know what they say about the wheel when it squeaks, somebody has got to grease it. That is what we want.

Senator LANGER. I am sure that we can help you set up a renegotiation, and we can get Mr. Emmons or Mr. O'Mahoney to call in the different people and talk it over.

Mr. HARLESS. We would like that.

Senator LANGER. You might be able to arrive at a settlement.

Mr. HOMER. We are sorry. We will talk about delinquency now.

Mr. HARLESS. All of these things are bringing on delinquency.

Senator LANGER. How much has the Government spent in subjugating these 15,000 acres of land?

Mr. HARLESS. Mr. Stevens can give you some statistics on that.

Senator LANGER. You realize you cannot retain the benefits of all the work that the Government did, and still want your land back on top of it.

Mr. HARLESS. We are ready, willing and able to negotiate.

Mr. HOMER. I want you to know that Mr. Harless was responsible for getting the Indians the right to vote in Arizona. He started that in 1948, and I believe as a result of his work the Indians are voting in the State of Arizona. Before that we couldn't vote, we didn't have a voice in anything, and we respect him for that.

Senator LANGER. Do you know who signed that bill for the Government?

Mr. HARLESS. Yes, I do.

Senator LANGER. Who was it?

Mr. HARLESS. I believe we have a copy of the ordinance here. Will you get us a copy of the order?

Mr. HOMER. Austin Ladd signed it.

Senator LANGER. Who was Indian Commissioner—Brophy?

Mr. HARLESS. Oscar Chapman was Secretary of the Interior.

Senator LANGER. Well, he is down in Washington now. We can get hold of him.

Mr. HARLESS. He cannot do us any good, we feel. He is now a practicing attorney and has nothing to do with the Government.

Here is a copy of the resolution. Mr. Austin Ladd was acting superintendent of the reservation, and it was signed on February 3, 1945. Mr. Kearney Miller and Romeo Burton signed for the tribe, and Oscar Chapman approved it.

Mr. CHUMBRIS. May we have a copy of that for the record?

Mr. HARLESS. Yes, you may put that in, if you wish. It is ordinance No. 5. I will give you the page number on that. That is page No. 94 in the constitution and bylaws and ordinances of the Colorado River Indian Tribes.

Mr. CHUMBRIS. Thank you.

Senator LANGER. That will be marked "Exhibit No. 8" and printed in the record.

(The document was marked "Exhibit No. 8," and is as follows:)

ORDINANCE No. 5

RESERVING A PORTION OF THE COLORADO RIVER INDIAN RESERVATION FOR COLONIZATION

In accordance with article II, section 2, of the Constitution of the Colorado River Indian Tribes, which authorizes the Tribal Council "to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, making any necessary adjustments of property right."

And, in order to give full effect to the Act of March 3, 1865, establishing the Colorado River Indian Reservation "for the Indians of said river and its tributaries."

And, in order to facilitate the maximum use of the reservation land on behalf of returned Indian soldiers of World War II:

Be it enacted by the Tribal Council of the Colorado River Indian Tribes:

SECTION 1. There is hereby reserved for the use of members of the Colorado River Indian Tribes (Mohave, and those present allottees and tentative allottees of the Ft. Mohave and Chemehuevi Indians), as defined in Article II of the Tribal Constitution:

"All that portion of the Colorado River Indian Reservation lying north of the township line between Townships 8 North, Ranges 20 and 21, West, and 7 North, Ranges 20, 21 and 22 West of the Gila and Salt River Base and Meridian, Arizona (hereinafter referred to as the 'Northern Reserve')."

except all lands now or hereafter set aside for school or agency purposes.

SECTION 2. Any assets of the Colorado River Indian Tribes which now exist in the treasury, any assets which may be derived from the development of the Northern Reserve, and any mineral resources at any time developed in any portion of the entire reservation, shall be and remain the sole property of the original Colorado River Indian Tribes.

SECTION 3. There shall be reserved for the use of the Indians of the Colorado River tributaries (Hualapai, Hopi, Navaho, Apache, Zuni, Papago, Supai, Yuma, Chemehuevi, and Fort Mohave and others as may be approved by the Colorado River Tribal Council), for whom present tribal land and water resources are inadequate to support their present Indian population, and returned soldiers of these tribes:

"All that portion of the Colorado River Indian Reservation lying south of the township line between Townships 8 North, Ranges 20 and 21 West, and 7 North, Ranges 20, 21, and 22 West of the Gila and Salt River Base and Meridian, Arizona (hereinafter referred to as the 'Southern Reserve')."

except the land now or hereafter set aside for school or agency purpose, under the following terms:

A. Under regulations to be promulgated by the Secretary of the Interior, individual or group assignments of land in the Southern Reserve may be made to Indians of the designated tribes for the purposes of colonization.

B. Under regulations to be promulgated by the Secretary of the Interior, tribal lands in the Southern Reserve may be leased to Indian cooperative associations or individual Indians of the designated tribes, funds from such leases to be deposited in the Council fund of the Colorado River Indian Tribes.

C. Any Indian colonist in the Southern Reserve may at any time after the first year of residence, apply for membership in the Colorado River Indian Tribes, renouncing continued property interest in his or her former tribe, and if there be no basis for cancelling his or her assignment will be admitted to membership.

D. In the event members of the designated tribes of the Colorado River tributaries do not fully avail themselves of the colonization rights provided in this ordinance, any developed land which remains unoccupied or unused by individuals or cooperative associations of Indians for a period of ten years, shall revert to the complete control of the Colorado River Tribal Council.

E. There shall at all times be a majority of the membership of the Tribal Council reserved to representatives of the original Colorado River Tribes.

SECTION 4. In consideration of the setting aside of the Southern Reserve of the Colorado River Indian Reservation, as described above, by the Colorado River Tribal Council, for settlement by other Indians, it is understood that:

A. Not less than 15,000 acres of the Northern Reserve shall be subjugated and supplied with adequate irrigation and drainage facilities for use by members of the original Colorado River Tribes, as described in Article II of the Tribal Constitution.

B. The cost of such development shall be borne by the United States Government, and no part of this cost shall lie as a lien against the land so long as it shall remain in Indian ownership.

C. Such irrigated lands shall be assured sufficient water for their proper irrigation, through the facilities now in existence or to be constructed by the Government, upon regular payment by the Colorado River Indian Tribes of their proportionate share of the cost of maintaining and operating this irrigation and drainage facility.

D. That the future subjugation of lands in the Northern and Southern Reserves shall proceed acre for acre until the agreement in Part A, Section 4, is fulfilled.

(Sgd.) KEARNEY MILLER,
Chairman, Colorado River Tribal Council.
(Sgd.) ROMEO BURTON,
Secretary, Colorado River Tribal Council.

Approved March 26, 1945.

(Sgd.) C. H. GENSLER,
Superintendent.

I endorse and approve the above Ordinance No. 5, as duly passed by the Council on February 3, 1945.

(Sgd.) LEMUEL P. MATHEWS,
Attorney, Colorado River Tribal Council.

Senator LANGER. You may proceed.

TESTIMONY OF HARRY L. STEVENS, ASSISTANT AREA DIRECTOR (COMMUNITY SERVICES), PHOENIX AREA OFFICE

Mr. STEVENS. Before giving you the statistics for the Colorado River Reservation, I would like to present at this time the agreement you requested this morning, which I think will assist you in North Dakota to get the right kind of contract with your State hospital.

Senator LANGER. I am very, very grateful to you.

Mr. STEVENS. You will note that the last paragraph at the bottom states that it shall be for \$100 per month, which is about the equivalent of what it costs to have a patient there for that month.

Senator LANGER. If you don't mind, I will keep that. Thank you.

Mr. STEVENS. Very well.

We have here from the Colorado River Agency a full and concise report on the welfare program of the Colorado River Reservation, and its relationship to the delinquency problems.

The report has been prepared by the agency's social worker.

Too, there is a tabulation of offenses and disposition thereof handled in the Indian tribal court for the period January 1, 1954, to the end of the year, December 31, 1954.

This material was prepared by Mrs. Agnes Savilla.

Also, we have a tabulation of arrests in or near the city of Parker, in the center of the reservation, involving Indian subjects, covering the period from January 1, 1954, through April 15, 1955, listing the offenses and their disposition, and this was prepared by the criminal investigator attached to the Indian agency.

For Indian children attending the Indian Service School on the Colorado River Reservation, the priority reasons for children being absent. This is based on 172 school days, and it shows children attending funerals; sickness; and parental irresponsibility.

Twenty-three miles from the agency at Poston, but within the reservation, there is a public school located there, operated by the Parker Grammar School District No. 27, and this school is operated largely to accommodate the school children of the Navaho-Hopi colonists.

They have 151 children enrolled from grades 1 through 7. Absence from school classes is negligible on the part of these particular Indian children, probably due to the intense desire of their parents that their children take advantage of the available school facilities, which were not available to their parents on their home reservation.

Attendance is over 90 percent regular throughout the school year, of 166 days.

Then it shows why they are absent.

Then we have here a statistical report by the public health field nurse for the period January 1, 1954, through December 31, 1954, in addition to the statistical report.

Then we have a statement of services rendered at our agency hospital.

And then there is one last paragraph that I would like to read, which is a remark made by the superintendent there, and it is one of his observations in closing, and he says:

In closing, I would like to remark that the lifting of restrictions against Indians obtaining and transporting intoxicating beverages has not, in my judgment, in itself contributed noticeably to increasing juvenile delinquency among Indian children; on the other hand, it has focused very sharply the irresponsibility of parents and their own delinquencies toward themselves and their children. In other words, if our adult delinquency problem could be curbed, the children would be responsive.

Senator LANGER. Thank you.

Mr. CHUMBRIS. Thank you very much.

Mr. STEVENS. I will leave this document with you containing all of these statistics.

Senator LANGER. It may be received.

(The document, attached to letter dated April 27, 1955, was marked "Exhibit No. 9," and is as follows:)

EXHIBIT No. 9

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
FIELD SERVICE, COLORADO RIVER AGENCY,
Parker, Ariz., April 27, 1955.

Mr. F. M. HAVERLAND,
Area Director, Phoenix, Ariz.
(Attention: Mr. Stevens.)

DEAR Mr. HAVERLAND: With reference to the Kefauver committee hearings scheduled to be held in Phoenix, April 28 and 29, 1955, the following material is enclosed for consideration and possible inclusion as exhibits in the future printed record of the hearings.

(1) A full and concise report, dated April 26, 1955, on the welfare program on the Colorado River Reservation and its relationship to the delinquency problems. This report was prepared by our social worker, Miss Van Every, and approved by the superintendent the same date.

(2) A tabulation of offenses and disposition thereof handled in the Indian tribal court for the period January 1, 1954, to December 31, 1954. This material was prepared by Mrs. Agnes Savilla, tribal secretary.

(3) Tabulation of arrests in or near the city of Parker, Ariz., involving Indian subjects, covering the period January 1, 1954, through April 15, 1955, listing offenses and disposition. This tabulation was prepared by Charles Allen, criminal investigator attached to the Colorado River Agency.

(4) For Indian children attending the Indian Service School on the Colorado River Reservation the priority reasons for children being absent are as follows (the school year is based on 172 schooldays):

(a) Children attending funerals.

(b) Sickness.

(c) Parental irresponsibility.

This material was prepared by Mr. Witzleben, school principal.

(5) Twenty-three miles from the Agency at Poston (camp 2) but within the reservation, a public school is operated by the Parker Grammar School District No. 27. This school is operated largely to accommodate the schoolchildren of the Navaho-Hopi colonists. The present enrollment is 151 children from grades 1 through 7. Absence from school classes is negligible on the part of these particular Indian children, probably due to the intense desire of their parents that their children take advantage of the available school facilities, which were not available to their parents on their home reservation. Attendance is over 90 percent regular throughout the school year of 166 days. Absence is largely accountable to sickness and some babysitting by the oldest child while the parents may be working on the farm or in town shopping. Juvenile delinquency among this group is rare indeed.

(6) A statistical report by our public health field nurse, Mrs. Raine, for the period January 1, 1954, through December 31, 1954; also a statement prepared by Mrs. Raine showing field health activities in addition to the statistical report.

(7) Statement showing volume of services rendered at our agency hospital 1953-54. For 1953 we show a total of 528 inpatients, 2,612 outpatients. For 1954 we show a total of 325 inpatients, 3,348 outpatients. Of the above totals the following is a list of diseases and their incidence which might indirectly pertain to juvenile delinquency:

Physical defects and crippled children-----	12
Venereal disease:	
Syphilis-----	62
Gonorrhea-----	37
Acute alcoholism and delirium tremens (cases treated in hospital only)-----	3
Diabetes mellitus-----	47
Pulmonary tuberculosis (active)-----	5

Word was received last week that the investigator for the Kefauver committee desired information and data covering the last 2 preceding years. This word was received too late for us to change fully our program which was set up on the basis of 1 year, i. e., the calendar year 1954. However, since very little material difference exists, the material submitted herewith can reasonably be said to cover the past 3 or 4 years, respectively.

In closing, I would like to remark that the lifting of restrictions against Indians obtaining and transporting intoxicating beverages has not, in my judgment, in itself contributed noticeably to increasing juvenile delinquency among Indian children; on the other hand, it has focused very sharply the irresponsibility of parents and their own delinquencies toward themselves and their children. In other words, if our adult delinquency problem could be curbed, the children would be responsive.

Sincerely yours,

J. M. STEWART, *Superintendent.*

REPORT ON WELFARE PROGRAM, COLORADO RIVER RESERVATION, IN RESPECT TO ITS IMPORTANCE IN SOLVING THE DELINQUENCY PROBLEM

Provisions for assisting in strengthening family life on the reservation are made available by the Bureau of Indian Affairs. The protection and opportunities for normal development for Indian children living under circumstances detrimental

to their physical and social well-being is a clearly defined objective of the Indian Bureau. The Bureau provides financial assistance to needy Indian families and persons living on the reservation. The Bureau proposes to encourage and stimulate the tribes and the communities in the area of the reservation to organize and develop a more effective form of organization for dealing with their own problems in the geographic area.

These four objectives, namely: (1) social services for families and adults, (2) social services to children, (3) financial aid to needy Indian families and persons, and (4) community organization for social welfare, are the responsibility of the welfare staff of the Indian Agency.

Social services for families and adults were given to an average of 38 families a month in fiscal year 1954 and to an average of 44 families a month in fiscal year 1955. Their requests for services in fiscal year 1954 may be characterized through the following categories:

Health	72	Employment	6
Care of children	78	Education	36
Marital relations	72	Community relations	18
Housing and sanitation	24	Financial questions	144

For fiscal year 1955 to date (9 months) requests for services are as follows:

Health	75	Employment	40
Care of children	120	Marital relations	95
Community relations	25	Financial questions	105

Financial aid to needy Indian families through general assistance was paid in the amount of \$22,118 to 54 households in fiscal year 1954 on the Colorado River Reservation. This is an average grant of \$64.36 for 19 families. In fiscal year 1955 to April 1, 1955, the total combined financial aid to Indians at Colorado River and Truxton Canyon is \$22,162.75. This was paid to 81 households, averaging \$57.54 per household per month. Of the number of households assisted each month during the first 9 months of fiscal year 1955, 25 are households where there are children who are without adequate support. These are families who do not qualify for aid to dependent children in Arizona, under the social-security program. We have figures only from Yuma County on Indian families in the Colorado Reservation who are receiving aid to dependent children. In 1954 there were 9 families with 31 children and in 1955 there were 11 with 37 children receiving aid to dependent children.

Social services to children were provided in a number of ways, aside from the financial aid stated above. Guidance and counsel on questions of health, education, home, and employment have been provided to 101 children this fiscal year, to date, in 235 instances. Delinquency problems have totaled one-fourth of the problems handled and the care of neglected and abandoned children have comprised another fourth of the needs of these children. In fiscal year 1954, 41 children were enrolled in Indian boarding schools due to poor home conditions. In fiscal year 1955, we have 24 enrolled in Indian boarding schools due to poor home conditions. Thirteen children were in foster homes, paid for by funds from the Bureau in fiscal year 1954, and two were in institutions for delinquents. In fiscal year 1955 we have had 16 children in foster homes and 2 in institutions for delinquents. One child was in a special school in fiscal year 1954 and three children are in special schools in fiscal year 1955.

In endeavoring to assist the Indians to improve themselves we have recognized the necessity of the Indians first understanding their own needs and to that purpose, organization in and between the community has been fostered. The Colorado River Tribal Council appointed a welfare committee that meets monthly. It has carried out the guardianship census completely. Also, it has helped in finding suitable foster homes and has supported the law-enforcement officer in his problems with juveniles. The county probation officer from Yuma holds regular conferences with members of the welfare committee. In Peach Springs, a Hualapai Women's Club has been organized for the purpose of improving the community and for understanding welfare problems. All the juvenile hearings before the tribal judge are heard with the social worker present and the recommendations of the social workers are requested by the judge for his consideration in his decisions. Most marital cases are held with the social worker present. In 2 counties, the probation officers of the 2 superior courts are working actively and continuously with the social worker on all Indian juvenile cases. The probation officer of Yuma County makes regular visits to the Colorado River Reservation where he confers with every individual concerned with the case when the

social worker and the tribal welfare chairman have designated whom should be seen. Employment agencies in the counties, public-school authorities, and most of the three county welfare departments relate themselves as closely as their personnel permits, to the problems of Indian youth on the reservation in the Colorado River jurisdiction.

It is in this interrelatedness as seen from the above-described activities, that the solution to the delinquency problem may be discerned. In the first place, crime is not the major problem in any sense of the word. Rather, the major problem lies in the lack of concern for a healthy and satisfying standard of living on the part of a considerable number of Indians living on the reservation. The result is a disproportionate number of irresponsible adults and a growing rate of youthful promiscuity.

We have had genuine success in checking deteriorating family situations in the past 2 years but as everyone knows in the field of guidance, the progress that can be made depends almost entirely on the frequency of the face-to-face contacts between the family and the worker. Considering the travel that is involved in this jurisdiction, 45 cases with children or families is a high number for constructive gains.

Irresponsibility on the part of parents can be partially attributed to the breakdown in marriage requirements today. In establishing a home on the reservation, neither the old tribal marriage requirements nor the civil marriage license is required of an Indian couple. Today there are women not yet 35 years of age, who are faced with the responsibility of 5 or more children with 3 different fathers, none of them contributing to their support. This illegal but quite prevalent cohabitation creates an illegitimacy problem which is damaging, having in itself a lack of social responsibility that in turn causes youthful promiscuity to a marked degree. The main cause for the high number of families with children needing financial assistance from the Indian Bureau is because the paternity of the children cannot be established. The active effort of the tribal court is necessary to deal effectively with this condition. Tribal court action involves specific coordination with the county superior courts and district attorneys. The tribal court rarely prosecutes these cases effectively and the superior courts claim no jurisdiction. Likewise, few attempts are made to prosecute a deserting father and there is no penalty that can be evoked to make him live up to his responsibilities.

A serious attempt is under way now on the Colorado River Reservation to determine the active guardianship for every child up to the age of 18. Paternity is difficult to determine but the adult who stands as guardian for the child is possible to ascertain. There are 762 children on the Colorado River Reservation; 476 children on the Truxton Canyon Subagency, including Supai, Camp Verde, Prescott, and Clarkdale; 76 children at Fort Mohave and 387 at Fort Yuma. Guardianship status has been determined for about two-thirds of this total of 1,701 Indian children on the Colorado River jurisdiction. An estimated 10 percent will require court action to make the authority of guardian legal. This effort will meet with frustration and confusion because the courts are not adequately prepared now to deal with guardianship proceedings for Indian children on a reservation. In fact, some Indian children live in areas where there are no courts and many living on reservations where the civil courts could take action, are too poor to pay the costs involved. Every day furnishes fresh evidence of how important legal guardianship is to a minor. Young adults cannot enlist in the Armed Forces without the consent of the legal guardian; social-security benefits from the OASI cannot be paid to a minor without a legal guardian; aid to dependent children is not forthcoming for an eligible child unless a legal guardian has been established; civil-service retirement or death benefits cannot be paid to a minor unless the minor has a legal guardian.

The right of each child to have a guardian should be firmly established and substantiated in the United States today, but the time and efforts to fulfill this desirable goal is great. Legal counsel at all levels of government and increased social services will be necessary to establish this fundamental right for each Indian child. Broken homes with children neglected at an early age will have some chance at reestablishing themselves if there is an underlying recognition of status and protection for the children rather than the present failure of parental responsibility and youthful bewilderment.

Homes that are broken and homes that are unsuitable are two contributing factors to deteriorating social conditions and to delinquency among young adults on the reservation. The inroads of heavy drinking, the poor use of income, and chronic health needs are home conditions that the social worker must deal with in a direct way with the parents in any broken home situation, if the family is to be maintained. As mentioned earlier, only about one-third of the number that is now known to be in need can be effectively helped by the social worker. For example, in one Indian community alone, 22 children from broken homes belonging to 5 sets of parents are being cared for by the Indian Bureau. There is a severe scarcity of suitable foster homes and in none of the counties where the Colorado River Indian Agency operates is there a juvenile hall where the Indian agency may pay for care for needy Indian children. Our law and order personnel have mentioned our need for correctional and training facilities for youth that are intermediary between the homes on the reservation and Fort Grant for boys and occasionally the convent for girls. We have one small institution under church auspices that may be used for boys from this reservation. Otherwise, there is not a county forestry camp, a girls training school, nor even a child guidance council or mental testing bureau to be had for parents or children.

In seeking for solutions to our problems of delinquency, we will need to find and foster the motives and controls that the Indian families believe in themselves. I believe that in the main, there are constructive and sound controls right today. All the integration both of money and services on every possible governmental level—tribal, town, county, State, and bureau—will have to be mustered to implement the Indians' own motives and desires toward acceptable social adjustment. From the standpoint of welfare, such an integrated program to be effective, will require either two additional workers at the Colorado River Agency or child welfare services available to Indians on a half-time basis in each of the counties of Yuma, Mohave, and Coconino. Funds to the Colorado River Agency for financial assistance and special services, which includes foster home care and treatment of delinquent children would need to be increased by \$9,000 for fiscal year 1956.

April 26, 1955.

MILDRED E. VAN ECRY,
Social Worker, Colorado River Indian Agency.

Approved April 27, 1955.

J. M. STEWART, *Superintendent.*

Arrests of Indian subjects in or near the town of Parker, Ariz., by county or city officers (period covered, approximately Jan. 1, 1954, through Apr. 15, 1955)

Total arrests	353
By single offenders	79
Repeaters	274
Total offenders	155
Arrested 1 time only	79
Repeaters (average 3.6 per individual)	76
Arrests for liquor violations or with liquor involved	329

Juvenile officer, Yumo County, entered on duty May 1954.

Indian cases recorded by him

1954:	
Committed to institution:	
Boys	3
Girls	1
Placed on probation:	
Boys	10
Girls	3
1955	
Committed to institution	None
Placed on probation:	
Boys	3
Girls	4

Statistical report of public health nurse, Jan. 1 through Dec. 31, 1954

Morbidity	Field visits	Office visits	Nursing conference visits
Noncommunicable ¹	274	324	301
Crippled children.....	36	6	1
Communicable:			
Tuberculosis, active, arrested, and contacts.....	31	12	15
Venereal disease.....	37	35	18
Other: Mumps, whooping cough ²	41	49	53
Skin conditions (impetigo, scabies, pediculosis).....	19	31	71
Antepartum (prenatal).....	38	20	18
Postpartum.....	49	5	7
Health supervision:			
Infants.....	89	53	116
Preschool.....	208	224	446
School age.....	47	96	124
Adult.....	32	55	53
Total.....	812	863	1,264

¹ Includes diabetes, adult orthopedic conditions, and other acutely or chronically ill, with diseases not reportable to State board of health.

² Includes measles, mumps, whooping cough, diarrhea, and other communicable diseases reportable to the State board of health.

Health activities not listed under statistical visits

Diphtheria-pertussis-tetanus immunization given (3 doses).....	224
Diphtheria-pertussis-tetanus booster dose given (1 dose).....	120
Typhoid immunization (3 doses).....	394
Smallpox vaccinations—successful.....	151
Smallpox revaccination (4 to 5 years after initial vaccination) done—successful or immune reactions.....	57
Patients referred to hospital for chest X-rays. (Do not have an accurate count.)	
Snellen vision tests (screening for ophthalmologist)—school age.....	286
Children found with defective vision—referred to ophthalmologist.....	55
February 1954—Team from Indian Field Service—did blood serology and blood types on Valley School.....	38
March 1954—Arizona State mobile X-ray unit made miniature films on Valley School children and Poston School over 12 years.....	70
April 1954—Team from United States Public Health Service did blood serology—cross section:	
Above 10 years of age.....	798
Number with positive blood serology.....	63
Home visits made with team for drawing blood.....	74
Team was in our area Apr. 21, 22, 26, 27, and 28. Most of work was done in clinics and hospital out-patient department.	
Visits to Valley School during 1954: visits to Poston School—January	
February, March, April, May 1954.....	37

The above work is consolidated report of school nursing confinement and field.

In addition to the above a dental team was in the area early in 1954, painted all the children's (school age) teeth with sodium fluoride to prevent decay. Total number receiving this service, 360.

Eye clinic, 3 days (March 8, 9, and 10, 1954): School children, 69; adults, 54; total examined, 123.

CRITERIA FOR THE STATE OF ARIZONA JOHNSON-O'MALLEY CONTRACT FUNDS

I. The Bureau of Indian Affairs will pay the full cost for children of one-fourth or more degree Indian blood living with parents on tax-exempt land not in a school district.

II. The Bureau will pay full per capita costs of the school attended for those children who will be boarded by the Bureau in towns for the purpose of attending public schools.

III. The Bureau will pay the share of the per capita cost of education of children of one-fourth or more degree Indian blood residing on tax-exempt Indian

land within organized public-school districts which would ordinarily be paid for by local and county taxes.

IV. The Bureau will pay for special services provided for Indian pupils such as opportunity rooms, school lunches for needy pupils, and similar expenses required to assure the education of the Indian children.

V. The Bureau will pay the full cost of education for the Indian children who are enrolled in public schools for the first time and for whom the district cannot claim entitlement to State aid.

Basic principles

1. The State contributes fully to the education of the Indian children attending public schools on the same basis as for the rest of its resident children.

2. The local district tax levy is sufficient or the amount raised by this levy per pupil is sufficient to earn entitlement to State aid.

3. Within a school district the social and economic status of the Indian child is such as to require special or additional services to assure adjustment to a new environment and regular and satisfactory attendance in school.

4. Indian students living outside the district boundaries of the public school attended will be paid for according to the school laws of Arizona pertaining to this type of situation as it governs other pupils.

5. Only Indians of Arizona tribes of one-fourth degree Indian blood, or more, will be considered eligible for aid under Johnson-O'Malley funds.

Senator LANGER. I believe Mr. Harless wanted to make a statement.

Mr. HARLESS. Senator, I think we have covered most of the items. I might say that there is a great unrest among these people, and there is real poverty. They have no welfare funds left. Their total income is in the neighborhood of \$50,000 a year for the tribe. It should be 5 or 10 times that amount, and even though they were taking into consideration that they should let the southern reserve land, which we mentioned here, not be put into some kind of reserve until we could find out if they could have the opportunity to realize from their other resources, they would then have assets, and they would be able to have many activities.

You heard yesterday what they were doing on the Ute Reservation because they have money. These people, like all others, need resources and they need money. Poverty stems from the fact that they have not been able to realize the benefits of their natural resources, and some of their homes are worse than the worst slums. They have potentials, but they are not able to benefit from them, and I think you could summarize all the things we have said here by having us say to you, "Do all you can to get as much authority out of Washington down to Arizona."

We have a very sympathetic Phoenix office, and we have a very sympathetic superintendent, but by the time things can be accomplished in Washington, so much time has gone by that it creates great hardship.

We thank you very much, Senator, for the opportunity of coming here and being heard, and we are going to carry on our fight, and we hope to see you in Washington.

Mr. HOMER. You know what this Ordinance 5 does to me and the rest of the people, but I would like to simmer down now.

We have some alfalfa which the Government has put in for us, and the aphids have hit the valley so badly that we are asking the Government to try to grant us \$25,000, so we can spray the aphids out of our alfalfa fields.

Senator LANGER. How many acres of alfalfa have you?

Mr. HOMER. How much do we have?

Mr. NELSON. Do you know how much we have?

Mr. HAVERLAND. I don't know, we had the figures but they are not here.

Mr. HARLESS. I would say in the neighborhood of 15,000 or 18,000 acres of alfalfa.

Senator LANGER. How much is it, do you know?

Mr. STEVENS. About 11,000 acres.

Senator LANGER. That \$25,000 is just about right, because it costs \$2.50 to spray an acre.

Mr. STEVENS. That is right.

Senator LANGER. And they won't give it to you?

Mr. HOMER. No. We went together with the Palos Verdes and Yuma and Mohawks, and they turned us down, so now we are trying to get the Indian Department to try to get that, because the price of hay is going to be way down, and we don't have employment down there to work, or anything of that sort, and I don't see how we can pay back our loans.

I don't see how we are going to survive during the summer.

Senator LANGER. How many are there?

Mr. STEVENS. Approximately 400 of the original Indians and about 680 of the colonists, as we refer to those in the southern reserves, colonists.

Senator LANGER. I would say, Mr. Chumbris, that this is one of the toughest cases we have got.

Mr. CHUMBRIS. Yes, sir.

Mr. STEVENS. Well, I read that this was a hearing dealing with juvenile delinquency, and this controversy on Ordinance 5 was brought up for that reason, because our juvenile delinquency, although it is a minor problem, stems from the unrest and the confusion that is caused by this controversy over the title to the land, and our people are dissatisfied, and they don't know whether they own anything or not. They just think, what is the use, tomorrow you may have nothing.

But there is one thing that I would like to make clear to you, and I don't think it is quite clear, every time this is brought up, and we argue it, there seems to be the feeling that we are just trying to get everybody out of there, and that we don't realize how much the Government has spent.

In the first place, we did not ask the Government to spend that money. It was not spent for us. It was Navaho-Hopi rehabilitation funds that were spent there.

If the Navahos and the Hopis are there, we don't want to kick them out of there. Those that are there, we welcome to stay. All we ask is that just the amount of acreage to be subjugated as shown in the contract, that only that be subjugated, and then that the Government let us alone. I mean, not to take that whole southern reserve away from us, because not all of our own people have assignments. We get assignments. We don't have anything we can call our own. The head of each family is supposed to have 80 acres, or an 80-acre unit assigned to him. We only have 123 assignments to our own people. We have a waiting list of more than that to be assigned, and there is no land for assignment. It is all tied up in this squabble over Ordinance 5. Our hands are tied in everything we try to do.

All we ask for is a chance to settle down and feel that we have something, and try to work out something, because so long as the

families feel so insecure, and have nothing, our juvenile delinquency is going to increase over the years.

Senator LANGER. You have got all the land you had except 60,000 acres, haven't you?

Mr. STEVENS. It is not ours.

Senator LANGER. Doesn't the tribe own it?

Mr. STEVENS. I don't know whether we own it or not.

Mr. HARLESS. Senator, recently now, the Government has ruled that these Indians own nothing. They have changed the Solicitor's opinion after 70 years, and they rule that the act of Congress in 1864 saying that the reservation is for the tribe of the Colorado River people, or for the tribes of the Colorado River and its tributaries, they rule that these people own no beneficial rights in their reservation.

Senator LANGER. Who does own them?

Mr. HARLESS. They don't know. We hope to get the Solicitor's opinion changed when we go back to Washington within the next 2 weeks. It was ruled for 70 years or more that these people owned their land, and recently the opinion was changed about 5 or 6 years ago.

Senator LANGER. I will tell you what I will do; I will go to Solicitor Sobeloff with you. You come down and have a brief on it, and I will go to the Solicitor General with you. He comes from Maryland and he is a very fair man.

Mr. HARLESS. It would give these people a feeling of security that they have something to look forward to for themselves, and their children, and their children's children. It would create a feeling of security and stabilize them, and these people could then again go forward.

We thank you very much.

Senator LANGER. How many acres are involved aside from this 60,000?

Mr. HARLESS. The whole reservation has been stalemated, they have not let the people lease any land.

Senator LANGER. How much land do they claim?

Mr. HARLESS. 240,000 acres.

Senator LANGER. How much is bottom land?

Mr. HARLESS. 100,000 acres.

Senator LANGER. That is farmland?

Mr. HARLESS. Farmland, and most of it is lying idle.

Senator LANGER. How did he come to give that opinion?

Mr. HARLESS. We have a feeling that there was pressure brought on him by, we don't know who, and there was a reversal of opinion after some 70 years. They treated these people as owners of their land before that.

Senator LANGER. How did it happen?

Mr. HARLESS. We don't understand.

Senator LANGER. Who was it given to?

Mr. HARLESS. It was given by White to the Secretary of Interior.

Senator LANGER. To Oscar Chapman?

Mr. HARLESS. To Oscar Chapman; that is right. It is a very sad situation, because it has led to unrest, and the feeling of these people is that they have nothing, all their hopes have been crushed and broken.

Senator LANGER. An act of Congress giving the land would cure it. Of course, we could not include the 60,000 acres.

Mr. HARLESS. When we go back, we have had a sympathetic ear in Mr. Haverland, who has been very helpful, and so has Mr. Nelson and Superintendent Stewart, they have been very helpful, and if we can get the same cooperation from Washington, maybe we can get a compromise and get an act of Congress to settle once and for all this matter, so that somebody else will not change an opinion 10 years from now.

Senator LANGER. First get an opinion from the Solicitor General. I will help you with that. Then if you will prepare something for the Congress to pass, we will try to get it through. I am sure that Senators Chavez and Hayden will help out on that.

Mr. HARLESS. That would stabilize this reservation very much. We thank you.

Senator LANGER. Of course it would help a whole lot more if you were back in Congress.

Mr. HARLESS. Thank you again, Senator.

Mr. CHUMBRIS. We will now hear from the Hualapai Tribe.

Mr. MARKS. Senator, I would like to present to you Mr. Rupert Parker, the president of the Hualapai Tribal Council.

Senator LANGER. I just want to tell you that we are not going to hurry any of these people. If we don't get through we will have to come back. There won't be any cutting anybody's time. We have to leave here at 5:30 in order to be over at the Indian tribes in lower California tomorrow, but I would rather come back here than hurry them. I don't want a single person to go away figuring that they have not had a square deal.

TESTIMONY OF RUPERT PARKER, PRESIDENT, HUALAPAI TRIBAL COUNCIL

Mr. CHUMBRIS. You are Mr. Rupert Parker?

Mr. PARKER. Yes, sir.

Mr. CHUMBRIS. President of the Hualapai Tribe Council?

Mr. PARKER. Yes, sir.

Mr. CHUMBRIS. I think you testified yesterday, also?

Mr. PARKER. Yes, sir.

Mr. CHUMBRIS. Will you state your address, also?

Mr. PARKER. Peach Springs, Ariz.

Mr. CHUMBRIS. Do you have a prepared statement?

Mr. PARKER. No sir.

Mr. CHUMBRIS. Will you proceed in any manner you care to proceed in.

Mr. PARKER. Well, I brought up the subject of health yesterday. Of course, I was pretty hot over it, because just a few days ago I left and I was informed that all of the funds were depleted up there on our reservation, and I felt that I should bring it out at that time, because I had it on my chest, and that I should let everybody know.

Of course, we have problems here that nobody will ever answer or try to straighten us out on.

We have always had Indian problems. That has been so for 125 years.

Senator LANGER. Wait a minute. Did you say you did not get answers to certain letters?

MR. PARKER. No, sir; to our problems.

The Hualapais have had problems all of their lives. One of the first ones they had was the checkerboarding in the reservation. Every odd section belonged to the Santa Fe Railroad at one time. But just very lately, I think it was in 1946 or 1947, when the Santa Fe relinquished all of its odd sections over to the Hualapai Reservation, and then from there on we started out with Royal Marks, and today we are very badly in need of water on our reservations, such as wells, due to the fact that we have even gone on our own, and I don't think that any time the Hualapais have ever appealed to the Government for any funds. We have always been on our own.

In 1936 all of our Hualapais lived on the reservation, they were on the reservation, but those of us who live off the reservation, we lived off it, and you were not dependent on the Government for any source of income or medical help or anything that would be charity.

Now, there were some comments I heard during the CCC days that the Government said that the Hualapais were going to get on the reservation or else. I don't know what they meant. Today most of the Hualapais who came on the reservation are strangers, and very few are still off the reservation. They have jobs in the towns that are close to the reservation.

SENATOR LANGER. Now, who in the Government told you to get on your reservation or else?

MR. PARKER. Well, that was the Interior Department.

SENATOR LANGER. What year was that?

MR. PARKER. In 1936, before 1936.

SENATOR LANGER. Did they issue a written order?

MR. PARKER. Well, we had that information when we went into the reservation. We couldn't live by waterholes or springs, because cattle were running there, and we all had to come to the town of Peach Springs, where we are now.

SENATOR LANGER. How much land have you there?

MR. PARKER. I think it is over a million acres.

MR. MARKS. 990,000 acres.

SENATOR LANGER. How much?

MR. MARKS. 990,000 acres.

SENATOR LANGER. Nearly a million acres of land.

MR. PARKER. Yes, sir.

SENATOR LANGER. How many are on it?

MR. PARKER. A little over 700.

SENATOR LANGER. And you mean to say you cannot get any water?

MR. PARKER. No. When our association was running, I think at one time we had \$38,000, and we used those funds to get water on the reservation by trucks, and we watered our cattle, and then we were getting along very nicely. We were independent and did not depend on the Government very much. But when the Government wanted to reduce our cattle they did so, they just went ahead and reduced. So, abiding by their wishes, today we have only four members of the Hualapai Reservation that are just barely getting along from the income they get from cattle. Out of the 136 members in the cattle association, 4, according to the reports I get, there are only 4 that have income.

SENATOR LANGER. Is that due to a drought, or what is it due to?

Mr. PARKER. They say it was due to a drought on the highway.

Mr. MARKS. It is also due, or was also due, I think, was it not, to the Government permitting overgrazing on the land when they had control of it, and when it came time to run your own cattle, it was overgrazed, so the grazing department then insisted they cut down the cattle, and in 1946 they ran some 7,000 head, and about 1948 they started this drive to reduce it down, and they cut it to about half, and now there are only 2,000 head.

Senator LANGER. Who had these cattle?

Mr. MARKS. The Indians. The white man had leased a lot of land—or rather, the Indians had leased a lot of land to the whites to run their cattle on.

Senator LANGER. What was the name of those fellows?

Mr. MARKS. That happened before, that is a part of our claim which is pending before the Claims Commission.

Senator LANGER. How long has that claim been pending?

Mr. MARKS. Four years, almost 5 years.

Senator LANGER. Has there been a hearing on it?

Mr. MARKS. We are practically ready for a formal hearing on it.

Senator LANGER. It took you 4 years to get ready?

Mr. MARKS. It was several years before the Government filed an answer to the petition. In fact, some of the petitions we filed, the Government has not even filed an answer to, yet.

Senator LANGER. I was on the committee, when the Claim Committee was organized. They get good salaries. The whole idea was to settle claims promptly. And you have been 4 years?

Mr. MARKS. The Department of Justice is doing a good job of defending the Government, because they are throwing every obstacle in our way that they can.

Mr. PARKER. I think by doing that we reduce it, and yet the whole situation lies in not being a proper investigation. The Government authorities come out there, and they ride around in Indian cars. They don't go off into the hills where they could really see where there is no grass on it. For 15 years the livestock association hauled its own water. We bought our own trucks. We had our own, we paid our own men, and we even had our own extension man, and he was doing a pretty good job of it. Every improvement on that reservation the Government had no part in it. We bought our own pipelines. We have our own power, that is, pumps, to push this water into different parts of the reservation where pipelines are laid, and the Government had no part in it.

Today we owe not one penny to the Government, so far as I know.

We have our own loans that we give to the tribal members. Many of the loans are delinquent, owing to the conditions, but yet I feel that they found it out and knew that they took our livelihood away, and they haven't done anything about it, and according to the way, I look at it, I feel that they should return and try to put us back on our feet.

That is all we ask.

That is one reason why I brought out the fact about health. The hospital was closed.

Senator LANGER. When did they close your hospital?

Mr. PARKER. I think it was in 1936, they had one patient there that was disabled, and she was just a young girl, and when the hospital

closed she had to come home and she died a month and a half later, because they refused to transfer her to some hospital where she could be hospitalized.

There are many cases that I could recite. I think all of those things bear us out in our trying to plead with the Government for more funds, and that has been due to our lawyer here, Royal Marks, who has done a fine job. He has done many things, and he is not even getting paid for it. His contract has not been O. K.'d. The Washington office is still at it yet.

Senator LANGER. That is this good-looking gentleman you are talking about here [indicating]?

Mr. PARKER. Yes, sir; and to go on further, I think we are inclined to work on matters of health through our congressional delegates Hayden and Goldwater, who have been so good to us.

Going to education, I think since I took office I have been away for almost 2 or 3 years, and after I left the council, and some of these things I tried to pick up where we left off. It has been a burden to me, especially education. We have a school there, but it is only one room, and it is just temporary, and used for a lot of purposes.

Senator LANGER. How many pupils have you altogether?

Mr. PARKER. Well, it is overcrowded, with two sessions in the primary grades. We have a public school there which is also crowded. I brought this fact to the attention of the Bureau and the State, and they are doing all they can to do something about it to get funds. I don't know how far they are going to get with it. I know that they have a hard problem to cope with, due to technicalities in Mr. Marks' answer.

Mr. CHUMBRIS. Do you have the number of students there?

Mr. MARKS. I have that. I think the Senator might be interested, Mr. Parker, in the fact that several years ago the Government built a very expensive school, and they spent over \$50,000 on a beautiful school out at Frazer Wells, where there was a little logging work going on at the time. I don't know where they got the idea that the population center would change, and it has stood idle while they need a school so badly at Peach Springs.

Senator LANGER. How far away is Peach Springs from Frazer Wells?

Mr. PARKER. About 23 miles.

Mr. MARKS. Frazer Wells is out in the middle of the reservation, and Peach Springs is on Highway 66, 50 miles east of Kingman, and if you wanted the information on the school, the present enrollment is 26 in beginners to the third grade, and 31 in the fourth through sixth grades, and 8 in high school. All of the high-school children are transported to Seligman, a distance of 39 miles by bus, where they attend the Seligman School. That is under the Jensen-O'Malley contract.

The school-age population of the Hualapais is 168, and of this number 67 are enrolled in Federal day schools; 14 in Federal boarding schools; 71 in public schools; 4 in mission schools; and 12 not in any school.

He says that absenteeism is not a serious problem.

Mr. PARKER. On the matter of education, there are 2 girls and 2 boys graduating at the high school, and we have been going around

trying to get them to continue going to some school. I think we have that worked out, because the area office has had some grants furnished that could be provided to those who want a higher education. I talked to these four students who are graduating this spring, and I told them that we were in need of college graduates who could come back and help out our people, if they cared to, and I told them that it was a great sacrifice to do that, but I told them that I would rather see them go ahead and go to college and make use of themselves.

Senator LANGER. You have got a million acres of land?

Mr. PARKER. Yes, sir.

Senator LANGER. Now, tell me, have you any mineral rights?

Mr. PARKER. I think Mr. Marks brought that up, and we are almost in the process of securing \$25,000, as a bonus and advance royalties but it depends on the central office as to whether they will O. K. that lease, and that has been going on for almost 2 years.

Senator LANGER. Who did they lease it to?

Mr. PARKER. It is a corporation in California.

Mr. MARKS. That is what I was speaking about this morning before lunch, about the uranium exploration permit that was put out for bids a year ago, and this association in California were the successful bidders, and through some technical difficulties we have had to renegotiate that, and it has been processed through the area office and is now in the central office. We hope to get it loose within the next few weeks so that they can bring up some rock and maybe help the tribe in that way.

I brought that out this morning.

Senator LANGER. Yes, sir.

Mr. PARKER. There were some prospectors out there last week, and they have the financial backing to go in and prospect, and to lease, so that the tribe could negotiate with them without any red tape or any interference from the Bureau.

I think that is one trouble we have had, and I had to turn them down, because I didn't see any reason why they should come in and spend money there, and while they are spending all that money we can't even help them negotiate it. So I have turned down a few companies.

I have promised them that we would go back to see if we could do something about it, and if we could, that they would come back, and we would gladly give them a permit to go in there, and we could make a deal with them.

That is one of the main problems we have.

Senator LANGER. Senator Goldwater is handling that for you?

Mr. MARKS. Yes. It seems like we have to go through the congressional group, and they are helping us.

Mr. PARKER. I would like to go to law and order, now.

Law and order on the reservation has been off and on, and I think that is due mainly to the tribal chairman, and I felt that when they elected me I would go ahead and try to do something about law and order, and make it useful or try to enforce it, so that the white people there who were leasing our reservation could get protection.

Some of them complained because some of the Indians would be hanging around the service stations which were open at night, and the tourists refused to stop there, and that meant a cent a gallon for the tribe.

So in July I got into the council, and we put on three policemen in a period of 4 months. Of course, it was a great expense, and it came from the tribal fund. The situation died down, and after it was over and we quieted it down, we went into trying to revise our law and order code so that we could cope with the present situation we have there now due to the opening up of liquor.

We worked on it, and we have this in effect, our chief of police up there is a white man who also works for the county, and our tribal judge is also white, who is justice of peace down there in Kingman. We feel that by that justice is meted out to the Indians who come to that court.

And then, I think, by revising our law and order code we can cope with the present situation, like I said before. But then we run into a snag. We had the help of the law enforcement of the county, and the welfare, State and government welfare, and the county sheriff, and one of your State senators, Morrow, is his name, we asked these men to come and help us, but we hit on a snag on the code, and the committee brought it to me and I looked it over, and I felt that if we dealt with the juvenile code there we would not have the facilities to send them to. In other words, we would not have any place to send them.

Of course, the committee quit working on it until further investigation could be made whereby, if we have juveniles on our reservation, and there were some juveniles who needed to be sentenced or sent to some correction home, that such a place could be found, and as soon as we found a place to send them to, we could go ahead with our juvenile code.

But at present we are not working on it any more. Our juvenile delinquency out there, I don't think it is very bad, but in the institute we had here during April we talked about that, and we thought that the Federal Government would even appropriate funds to try to help law and order on our reservation.

So far those who are delinquent have been dealt with off the reservation. I think there was one that was sent to the House of Good Shepherd from Mojave County, and just lately, we had one boy who was on the reservation, and I think we went out of our way trying to correct this boy, and my vice chairman took him down to the county, and I think the county was good enough to try to correct him, and the county has put this boy on probation for 6 months to the vice chairman, and yet, I know that he would be catching the devil because if someone found out that the State had no jurisdiction on the reservation, they would complain, but so far as I know, nobody has complained about it.

Of course, there are others that do know the State has no jurisdiction on our reservation. So far, I think, so far as I can tell you, we are not trying to get away with it, but we are trying our best to put our children, and like the others have said, it takes adults, it comes from the parents, and I talked to the parent-teachers about that situation, that it has to come from the parents.

I went up there and talked with them and they had their meetings, and of course, I was invited. Now, I think it is going to be a serious problem, as time goes on. It is due to the fact, I think, it is not very bad because there are children where during 9 months they go away from the reservation, then they come in and they start at 7:30 and come in at 5:30 to 6:30 in the evening, and that doesn't give them time

to mix around or try to gather together in bunches in order to cause more trouble. But I think it is going to happen, when the children get out of school. I felt it all along, and I am trying to do something about it.

We have plans, but at this meeting I hope to bring it out in the council that we might have to use our funds to cope with that situation, if it ever arises, and I am sure it will arise.

Then I think they touched on the veterans' loans and I would make suggestions here that there should be special legislation for the benefit of the Indian veterans on the reservations. Some of them come to us trying to secure loans with which to build homes. We had to turn them down because they did not have enough security, most of them don't have.

After the war we issued specially, I think about 5 veterans, 30 head of cattle. Today those boys are doing fine, although I think that the council made a mistake of having them pay back in cash. I think that was one of our biggest mistakes. I always tell them that I was not the one that voted on it. I would rather see them pay back in kind than to be paying back in money, which they are doing, and they are still in the hole, yet.

But those are a few of the things that we are trying to do for our veterans.

Then we go to relocation. Some time ago there were some who applied for relocation, and some were sent to Los Angeles, and while sending them down there they waited around, and no jobs were available to them, so they returned, and today they are discouraged, and they feel what is the use of going to a certain place, we might get stranded again like some of them did, so today we find it hard to try to convince them that there are more jobs off the reservation and they would be better off. But that is hard to do, once an Indian gets discouraged, it seems like you cannot pound it into him, and he will always have that attitude.

I think most white people get the wrong attitude and do not know the differences in the life of an Indian. He is very different, and I feel that way, too, because I have been talking on health for this past year, and whatever they tell me, I don't believe it until I see it. I wouldn't believe it now if they tried to tell me that they were getting funds, unless I were to see it. So I think that relocation is something that is new to us, and it is still going to be new for the next 10 or 15 years.

We must understand that civilization has come 2,000 years. Uranium has been on this earth since this earth has been created, but it has been just a few years since uranium was discovered, and it is the same way with our Indian people.

We know that they have to be made to realize that certain things are coming to pass, and that they are going to have to do certain things in order to improve themselves, but we feel, and I guess the whole Indian population feels, that it is going to take time, and our economic situation, like I say, is very poor. I think too many times the budget is made on previous situations, economic situations. Today they do not see what goes on in our reservations. Today they don't come out and see us. We hardly see anybody out there, like I said yesterday. The only time we seen them was when they came to see the

burnt area that was seeded, and they didn't want to see the tribal council or try to see what could be done for us.

Today we feel that we do not want to depend on the Government very much because they do not do anything for us. We have an office desk next door to us, and we hardly see them, or they hardly see us, unless they want to ask us the time. That is the only time we ever get to talk to them.

I think it is a very serious problem when reservations are isolated, and when schools are closed, and when many things are taken away from them. But I feel that it is not due to the area office now, but it is due to Congress who refuses or who denies certain appropriations that should come to the Indians.

We barely get what comes from Congress.

Then, before I close, I want to bring something up: On a small reservation located in Supai there was one visitor came there when I was away, and he told my wife that he was very discouraged. He brought out the problem down there that there were girls 10 and 11 years old who were mothers, and he wanted me to see what I could do for them.

This last week he brought that problem up to me, and I said that if the council could not do anything on that situation, I felt that it was the Government's duty to go down there and investigate what was going on. Those Supais down there have no funds to voice their problems to the public, or to come and tell your committee what has gone on down there, and of their needs, and I feel in my heart that if I am able to come here with my own tribal funds that I have the duty to speak for them, and I am doing it right now.

I wish that the Supai condition could be investigated very thoroughly and see what could be done for those people. I know there is nothing that the employees down there can do for them.

Here is another thing that I want to bring up here that I think should be known. We have been having serious trouble with our city police in Kingman. Then before I go into that, there was a case occurred over in Grand Canyon. This boy was put up on a felony charge, and they have notified the parents. The boy was 18 years years old. Of course, he didn't attend school very long, but he was taken to the court, and the judge told him, "You had better plead guilty and then you can get off with a small sentence." They took him to trial, and at a preliminary hearing the boy pleaded guilty, and he was rushed to Flagstaff on a felony charge.

I was called up on the case, and I just wanted to see if I could help—

Senator LANGER. What crime was he arrested for?

Mr. PARKER. A felony.

Senator LANGER. For what crime?

Mr. PARKER. Well, he got into a drunken brawl, and he stabbed his girl friend. Of course, there was no complaint signed against him when he was brought before the justice court. They did not give him a chance to get an attorney. Finally, when he was railroaded to the superior court, while he was up there the parents looked for him and they said, "He already had a trial and he is over in Flagstaff."

They went up there and got an attorney, and they found out that nobody had signed a complaint, not even the girl who was stabbed had signed a complaint.

Finally, when I got up there a week later, I talked to the attorney, and he phoned and wanted me to see him, and he said, "We let him out 2 days ago."

Then there was a case which probably we could work out ourselves; we were trying to work public relations with them, but Kingman is a hard town. I think we spend more money in the town of Kingman than any other place.

But just lately I was called on a case down there, where a marine was severely beaten by the city police of Kingman, and after he was let out on a charge of disturbing the peace, they took two boys in his place. Two of them were bystanders. That very night one of the companions of this other boy pleaded with the city police to let him out because he was just a bystander. They took 1 boy out and kept 1 boy in.

Finally, the case came up and the parents got an attorney, and the city police had 13 witnesses, and 9 came up one afternoon. All that afternoon all those witnesses testified that these two boys were not coercing an officer, and still the judge continued the trial or the hearing. We Indians, of course, had some witnesses, and the time came when we were to present our witnesses, and the lawyer requested that they only make a statement. Of course, it cost us money and it cost the parents money, but yet——

Senator LANGER. How much did the lawyer charge you?

Mr. PARKER. \$300. Of course, we did not want to see our boys railroaded to the superior court or the penitentiary, and the only time the tribal council enters into any case that is brought up in any town or city that has to do with my own people, we only interfere when we know that they will not be given justice.

I talked to the city police briefly before that, because many of our women were taken out and left 10 or 12 or 15 miles out of the city limits and made to walk back.

Senator LANGER. Tell me that again? That is very interesting. Who took those girls out and made them walk back?

Mr. PARKER. The city police of Kingman.

Senator LANGER. The city police did it?

Mr. PARKER. The city police did that, the city police of Kingman, Ariz., Mojave County.

Senator LANGER. Why did the police take them out 12 or 15 miles and make them walk back?

Mr. PARKER. Well, that is for them to answer. We dug up some witnesses and asked if they would testify at this case if it ever came up, and every one of those girls, there were girls there that they took out in the first place, and now it is boys. I told a city policeman, and he asked me, "What do you want?" I said, "So long as you treat the Indians that way, if they are drunk, take them to jail. If they need to be sentenced to 15 or 20 years, give it to them, but don't beat them up or take them off to some isolated place and leave them."

It was in the wintertime and it was snowing and it was cold and they might be run over by a car or a train in walking back. I said, "Just please put them in jail, and if they need to be taken out in the morning, then let them go."

Senator LANGER. What authority did the city police have to take them out of town?

Mr. PARKER. I didn't get any good information on that, but they asked me what I wanted, and I told them what I wanted, and what the Indians wanted, that they should be put in jail until they sober up.

Senator LANGER. Why wouldn't he put them in jail?

Mr. PARKER. Well, they were in a drunken condition.

Mr. MARKS. May I straighten this out just a minute? I think what happened is this, that they have had some trouble with the same people up there, some of the Indians, like Mr. Parker says, have been guilty, perhaps, of drunkenness, and so forth, and I think the city fathers felt that they did not have enough money to keep feeding them for the same offense, so they thought they would try some other form of sentence, and, as I understand it, this was one way they thought they could perhaps stop them from doing these things. They would take them off and dump them at an Indian community near Kingman.

They have not had that trouble with the county sheriff or with the county authorities. It has been since the city has been incorporated the last couple of years; isn't that true, Mr. Parker?

Mr. PARKER. That is right.

Mr. MARKS. We are trying to straighten that matter out, and it is not right.

Mr. PARKER. At our last council meeting the tribal council decided to join the Congress of American Indians, and trying to work through public relations with them. Of course, I don't think that will interfere with what we are trying to do.

The problem is, they say that the Indians start the trouble, but it not the Indians; it is the town of Kingman. Like I say, we spend most of our money down there. We have our credit down there. We deal with the banks down there. We deal with any loaning agency down there. We buy our new cars down there, and we trade down there.

But they seem to feel that where there are 2 or 3 Indians down there causing all that trouble, they take it out on all of us. I said that all of us on the Indian reservation do not drink. Some of us attend church. We do this and try to be good on the reservation. But the whole trouble is that they take it out on all of us.

I brought this problem up with the chief of police while I was down there, to look at us in a different way, and just because some of them are causing them trouble down there, they think the whole tribe is like that. They think the whole Indian population is like that, and I try to bring out the fact that we are not, and today I think we are faced with a very serious problem of trying to even have satisfactory public relations with them.

I just don't feel right when these things are going on. Of course, I will try my best, but yet I feel it is going to be up to the town of Kingman to try to do something for our Indian people. I brought up the fact that they are trying to do something, and I said, "How many of our Indians do you have working in the stores, how many are janitors in the town in the grocery stores?" You go down there and you will never see an Indian working in the city of Kingman. It didn't use to be that way, but it is now.

I think it is kind of bad for those of our Indian children who were going to the public school down there, and I think they are very nice people, but yet I wish those Indians that are down there could be

given the right treatment. I wouldn't want them to be beaten up and taken to jail.

There is one thing that I think that could be proven, that these things that we are bringing out this afternoon are true, because I can get witnesses to prove them.

Our attorney said in the case of those two boys who wanted to be taken to the superior court, that he would subpoena everyone who appeared at that hearing. Of course, I think the case was thrown out because it cost the parents about \$300, but I am not trying to exaggerate these things, but that is a true statement that I am making.

MR. MARKS. There is one point that I don't believe has been brought out, and I think this is important, and it happened on the Hualapai Reservation here in Arizona. We don't have any State institution for the purpose of taking care of delinquent girls, and when a delinquent girl, a minor, is sentenced by the juvenile court, for example, she is taken down to the Convent of the Good Shepherd; if she is incorrigible, and they can't do anything with her, they turn her loose. They don't report back to the juvenile court.

That is one of the problems we have in Arizona with juvenile girls, and that happened on the Hualapai with this young girl, she was sent to the House of Good Shepherd, and they turned her loose, and things like that.

SENATOR LANGER. Have you a tuberculosis sanitarium?

MR. MARKS. Yes, sir; down at Tempe, with about 175 beds. I would like to make this part of the record, it was sent in by Mr. Ladd, who was unable to be present.

TESTIMONY OF C. L. HARKINS, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ARIZONA

MR. CHUMBRIS. Will you state your name, please?

MR. HARKINS. My name is C. L. Harkins, and I live at 6822 North 11th Place, and I am superintendent of public instruction for the State of Arizona.

MR. CHUMBRIS. Mr. Harkins, do you have a prepared statement?

MR. HARKINS. I would like to preface any questions and answers that you might have with a verbal statement.

MR. CHUMBRIS. You may proceed.

MR. HARKINS. I have not put it in writing.

MR. CHUMBRIS. How long have you been head of the school department in the State of Arizona?

MR. HARKINS. Just since January 3.

MR. CHUMBRIS. Of this year?

MR. HARKINS. Yes.

MR. CHUMBRIS. And previous to that time?

MR. HARKINS. I have been in public school work in Arizona for the past 24 years, in various capacities.

MR. CHUMBRIS. You may proceed.

MR. HARKINS. I feel that in order to have good government, and for the development of great masses of people anywhere—and that has been proven, of course, many times throughout our history and the history of other nations—that you judge it by the degree of education which the people have, or which they achieve.

I feel that the problem that we are discussing—juvenile delinquency among the Indians—is very largely a result, if it exists, that is due to the lack of education. I have checked with 10 of the largest school districts of the State since I received your notification that I might be asked to appear here, and I find that there is very little juvenile delinquency among the Indian children that are in the public schools, at all.

MR. CHUMBRIS. You say you visited 10?

MR. HARKINS. I have checked with 10.

MR. CHUMBRIS. Where are they located?

MR. HARKINS. The larger school districts in the State that have Indian children in the public schools. Navaho, Hopi, Yuma, Maricopa, Pima, the Papago, and all of the larger Indian reservations and communities where they have children in public schools.

SENATOR LANGER. In other words, the juvenile delinquency among the Indians is not any worse than it is among the whites?

MR. HARKINS. That is right. I would like to say for the record that Arizona has a permissive law that we may negotiate, that the State board of education may negotiate with the Bureau of Indian Affairs of the Department of the Interior for the education and welfare of the Indian in the public schools.

MR. CHUMBRIS. Is that the Johnson-O'Malley Act?

MR. HARKINS. No; that is the State law, that makes the State board of education of Arizona the instrumentality of the State through which the education of the Indians in the public schools is handled.

MR. CHUMBRIS. Do you have a working agreement under the Johnson-O'Malley Act?

MR. HARKINS. Yes. And the State board of education makes an agreement with the Bureau of Indian Affairs for the education of the Indians in the various public schools.

We have this year a little over 3,200 Indians in the public schools in 53 school districts scattered throughout the State. We have the very finest relationship with not only the area offices that handle the affairs of the Indians, but with the Bureau of Indian Affairs. We feel that they have been very fair with the State, and we have enjoyed very fine working relationships with them.

I believe that the State of Arizona has one of the finest agreements with the Bureau of Indian Affairs for the education of Indians that exists anywhere in the country. We educate the children of the Indian people in the public schools under five criteria. Those criteria were determined last year between the Bureau of Indian Affairs people in both the area and national office, and the State board of education.

SENATOR LANGER. Do you have a copy of that with you?

MR. HARKINS. For the benefit of the record, I would like to read those criteria, if we have time, Senator.

SENATOR LANGER. Well, I am very anxious to have a copy of it.

MR. HARKINS. We will give you a copy of it.

SENATOR LANGER. If you have got the very finest in the country. I think North Dakota should have a copy of it.

MR. HARKINS. We will give you a copy. Would you rather I just give you a copy than read it?

SENATOR LANGER. If you can spare the copy I would prefer that they have the copy.

Mr. HARKINS. Senator Langer, we will give you a copy of it.

Senator LANGER. Put it in the record.

Mr. CHUMBRIS. Will you see that I get it, please?

Mr. HARKINS. Yes, sir; I feel that the ultimate objective of the Federal Government is the economic and social adjustment of all of the Indian people into our society.

Senator LANGER. Pardon me, but what proportion of children in Arizona go to parochial school?

Mr. HARKINS. There are about 15,000 that go to parochial schools. You are talking about all parochial or Indian schools?

Senator LANGER. To all parochial.

Mr. HARKINS. About 15,000 go to parochial schools. We think this year there are approximately 185,000 children in public schools of Arizona. So you can see that there are about 7 percent go to parochial schools, and there are 3,254, I believe, Indian children in the public schools this year, and we anticipate having more than that next year.

Mr. CHUMBRIS. How many children go to parochial school, Indian children?

Mr. HARKINS. I would have to ask the Indian superintendent.

Mr. STEVENS. 1,100 in Arizona.

Mr. HARKINS. I would like to say also that the Federal Government, through Public Law 815 has built and is building and will build in the very near future several large schools on the Indian reservation in public school districts, and turn them over to the public schools, and we anticipate educating the Indian children in the public schools.

We have an agreement with the Federal Government that the operation and maintenance costs of those schools will be paid entirely by the Johnson-O'Malley Act fund, and we are very anxious to see that we have not only a good agreement this year and next year, but a continuing agreement, because the Federal Government has built, for instance, at Window Rock, a \$1,200,000 school, and a \$800,000 school at Ganado, and a \$680,000 school at Tuba City, and we propose to have an \$800,000 school at Chin Lee; we propose to build a new high school at White River, and we just completed a new elementary school at White River, and we have built dormitory facilities in Winslow, Holbrook, Snowflake, and Payler, to which children are being brought from the reservation to those communities and segregated into the public school system.

We feel that is the only way to really benefit the Indian children in an adjustment to the ways of the white man, is to educate them with the white children.

Senator LANGER. This agreement you have got here, is this better than the agreement that the Interior has at Gallup, N. Mex.?

Mr. HARKINS. I am not aware of the details of the contract between the State of New Mexico and the Department of the Interior. I have been told that we have one of the finest agreements in the country. We have \$250,000 this year of Johnson-O'Malley Act funds for the education of the Indian children, and we will have over \$300,000 next year, and the year following it we will be well over a million. Each year these agreements and appropriations depend entirely on an act of Congress.

We would like to feel that so long as the properties of the Indians are held in trust by the Federal Government, and there is very little,

hardly any, taxable wealth in the school districts in which the Indian children live and are attending public schools, so that we feel that the entire cost of education, unless the child is a bona fide resident of the district, should be borne by the Federal Government.

Senator LANGER. What does it cost you in Arizona to educate a child?

Mr. HARKINS. \$232 in elementary school, and \$391 in high school.

Senator LANGER. So if a State got \$79, you would figure that was entirely inadequate; wouldn't you?

Mr. HARKINS. Very inadequate.

Senator LANGER. And if a State got \$44 you would call that disgraceful?

Mr. HARKINS. Yes, sir. We have an agreement for full per capita costs for the children for which the Federal Government is responsible.

Senator LANGER. I know that they also board them for it.

Mr. HARKINS. Yes, sir.

Mr. CHUMBRIS. Do you have a chart which will compare what the different States get per pupil?

Mr. HARKINS. No; I do not.

Mr. CHUMBRIS. Under the Johnson-O'Malley Act?

Mr. HARKINS. No.

Senator LANGER. We have one.

Mr. CHUMBRIS. The one we have is of an early date.

Mr. HARKINS. That is the only general information I have.

Senator LANGER. Who negotiated this contract?

Mr. HARKINS. It was negotiated by Myron Hulbert, representing the State board of education last year through the Governor, and the State board of education, with the Bureau of Indian Affairs.

Senator LANGER. I want to compliment them and tell them that they did an unusually good job.

Mr. HARKINS. We think they did, too.

Mr. CHUMBRIS. Mr. Harkins, what is the average daily attendance of the Indian children in the public schools?

Mr. HARKINS. It runs about 90 percent. Their attendance is not quite as good on the whole, although in many cases it is better than that of white children. The attendance of white children throughout the State runs 95 percent, while the Indian children, on the whole, run between 90 and 95.

Mr. CHUMBRIS. You say you run 95 percent attendance non-Indian?

Mr. HARKINS. That is right.

Mr. CHUMBRIS. And the Indian population is about 90 percent; is that right?

Mr. HARKINS. That is right.

Mr. CHUMBRIS. What is the total amount that you received under the Johnson-O'Malley Act?

Mr. HARKINS. This year, \$257,000. We carried forward some surplus funds, I am told, so we will have a total budget this year of some \$340,000, considering what we carried over, and we will spend all of that this year.

Mr. CHUMBRIS. I wonder if Mr. Jerome would identify himself, please?

**TESTIMONY OF DELBERT R. JEROME, DIRECTOR OF THE INDIAN
EDUCATION DIVISION, STATE DEPARTMENT OF PUBLIC INSTRU-
CTION, STATE OF ARIZONA**

Mr. CHUMBRIS. Will you identify yourself, please, sir.

Mr. JEROME. My name is Delbert R. Jerome, and I live at 2536 East Montecideo Avenue, Phoenix, Ariz. I am director of the Indian education division, State department of public instruction.

Mr. CHUMBRIS. Under the Arizona law do you take care of the Indian children who are in the city school system, like the Phoenix school system, and the Tucson school system?

Mr. JEROME. Yes, sir.

Mr. CHUMBRIS. Or is that taken care of by the municipality itself?

Mr. JEROME. No; the State board of education is responsible for contracting with all school districts. They all come under our supervision.

Mr. CHUMBRIS. For instance, in Oklahoma the Indian children who go to public school in Oklahoma City and in Tulsa, are not under State contract, but are handled primarily by the municipality itself.

Mr. JEROME. I understand.

Mr. CHUMBRIS. But you have a different situation here, do you?

Mr. JEROME. Ours are all handled the same way.

Mr. CHUMBRIS. No matter how large the city, it is under State jurisdiction?

Mr. JEROME. Yes, sir.

Mr. CHUMBRIS. What is the cost per Indian child to the Government per year?

Mr. JEROME. I think perhaps we had better turn that back to the Bureau people, the Federal Bureau people. It varies from one school district to the next.

Mr. STEVENS. That is right, it varies from one to the other.

Senator LANGER. What is the lowest?

Mr. STEVENS. About \$161.

Senator LANGER. And what is the highest?

Mr. STEVENS. About \$1,600.

Senator LANGER. \$1,600?

Mr. STEVENS. Yes; at the Sanders High School; yes, sir.

Senator LANGER. Do you mean to say that the Federal Government pays your school district \$1,600 per pupil?

Mr. STEVENS. We don't pay them the full amount; no.

Mr. CHUMBRIS. Who pays the balance?

Mr. STEVENS. The State.

Senator LANGER. How much of it does the Government pay, of this \$1,600?

Mr. STEVENS. It pays an average of these 55 districts where they have schoolchildren, Senator Langer, we pay an average of about \$250.

Mr. CHUMBRIS. Mr. Harkins, I asked you a question a moment ago, and you may have misunderstood it. The Indian children who go to school in Phoenix and Tucson, does the Federal Government help contribute?

Mr. HARKINS. Yes.

Mr. HAVERLAND. In Phoenix?

Mr. HARKINS. We make a token payment, if they qualify under one of these criteria.

Mr. HAVERLAND. Which they don't do. Phoenix does not have any money.

Mr. JEROME. Phoenix has a token payment of \$2,500.

Senator LANGER. Mr. Chumbis, I want to find out where this \$1,600 comes from. That is one of the most interesting questions that has been brought to my attention.

Mr. STEVENS. We think it is quite high, too, Senator.

Mr. CHUMBERIS. What are the reasons for the \$1,600?

Senator LANGER. And who pays it?

Mr. STEVENS. Well, that apparently is part of the school district's per capita cost, due to many, many things there. Your small classes, for one thing.

Mr. JEROME. And transportation.

Mr. STEVENS. And transportation has a lot to do with it. The cost of keeping your school open, such as during the wintertime, it gets quite cold up there, and many other factors that make it that high.

Senator LANGER. Who pays the \$1,600? You missed the \$64 question. It costs \$1,600, and how much does the State of Arizona pay?

Mr. HAVERLAND. I think I can answer that. May I have the microphone?

Senator, I think that the whole matter of reimbursement from the Federal Government to the States for Indians attending public schools needs a little clarification, and if I may take a moment I would like to explain the philosophy behind it.

Senator LANGER. You can take 2 hours if you like.

Mr. HAVERLAND. It happens that in the State of Arizona they have a special arrangement that is not strictly in line with what the Bureau has understood Congress would like to have us apply. This is a special agreement. Here we have too many people coming from Indian reservations on which, for example, there would be no school district even in existence on the reservation.

Senator LANGER. Why is Arizona different from New Mexico?

Mr. HAVERLAND. I know that the basic philosophy behind this contract, and all other contracts, is that in those school districts, where the attendance of the Indian children who live on nontaxed land, constitutes a burden upon the school district beyond its normal ability to meet. The Federal Government, by agreement with Congress, has come in and tried to meet the need of the community, so that they can run a reasonable school program. And that is what accounts for the fact that in some instances, where you have a small school and extremely high per capita cost, if they have no taxable valuation to run that school, the Bureau contributes to the school the amount necessary to run a reasonable program.

I am not familiar with this \$1,600 figure, but if it so happened that was in the middle of a reservation where there was no tax base, the Bureau would try to assist that district to run its program up to and including the per capita cost.

In other instances, in the city of Phoenix, Indian children live in the community, and the Bureau does not attempt to contribute anything to that school district, because it is felt that the school district

has a financial ability to educate the Indian children, and we feel it is the responsibility of the State to do so wherever possible.

Senator LANGER. Didn't I understand you to say that in Phoenix the Indian Department did that?

Mr. HAVERLAND. They indicated a token payment.

Mr. HARKINS. Yes. We have an agreement there for a token payment of \$2,500 for the Indian students that come to Phoenix Union High School, who qualify for some aid.

Mr. HAVERLAND. They do not live in Phoenix, however, as I understand it.

Mr. JEROME. They are not residents of Phoenix.

Mr. HAVERLAND. So they are getting the payment from another school district that is getting assistance from the Bureau because of lack of a tax base.

Senator LANGER. We have an exact similar situation in St. John, N. Dak., which is just a little bit of a town, and the district is broke, and there is a lot of nontaxable land all through that vicinity, and these children come on in. They don't begin to pay anything like \$1,600, or anything like that.

Mr. HARKINS. May I correct that statement, please?

The \$1,600 was somebody's estimate. The actual cost of operating the Sanders High School—it is a very small high school, and they attempt to run a complete program, and it will be approximately \$900, rather than \$1,600.

Senator LANGER. Well, my good friend sitting over there said it was \$1,000 and you say it is \$900. Which is right?

Mr. HARKINS. We feel we are right.

Mr. HAVERLAND. I think at the time the estimates are submitted, that that was the figure that it was believed it was going to have to be presented. When we got down to the actual budget, it was no that high. You can understand, I believe as I can, that \$1,600 would stick in a person's mind, because it is relatively high.

Senator LANGER. I want to ask my friend here, where did you get the \$1,600 figure?

Mr. STEVENS. I saw it in print in the budget.

Mr. HARKINS. You asked him about the range, and he said from \$162 to \$1,600.

Senator LANGER. Are there some for which you get \$1,600?

Mr. STEVENS. They are budgeted for that amount, and it probably did not cost them that much.

Senator LANGER. How do you manage to get it budgeted if you don't get it?

Mr. STEVENS. They certainly don't get it.

Mr. CHUMERIS. The county attorney for Pima County came here on S. 959 and he is going to submit a written statement to a subcommittee at Washington.

Senator LANGER. Thank you very, very much for coming over. I always like to meet county attorneys and sheriffs. It has been nice to have you here.

Mr. CASTRO. I will write you a written report and send it to you—or, rather, I will write you a written report and that will save us some time.

Senator LANGER. Mr. Chumbris, I want you to find out about this \$1,600 budget. It is a very, very interesting matter, and I want to know how a school kid can get a \$1,600 budget per pupil.

Mr. JEROME. There is not now, nor will there be, any \$1,600 per capita cost paid in the State of Arizona for Indian youngsters attending school.

Mr. CHUMBRIS. I did not get that.

Mr. JEROME. I say, there is no \$1,600-per-capita cost. There was an estimate made, and those are the figures that Mr. Stevens spoke about earlier, when he gave the figure of \$1,600. Those are the figures he was speaking of.

Mr. CHUMBRIS. Well, what is the actual cost?

Mr. JEROME. The actual cost this year will be closer, as Mr. Harkins says, to \$900. I think the last time we figured it, it was \$890.

Mr. CHUMBRIS. And the reasons given by Mr. Stevens, are they correct?

Mr. JEROME. Essentially, yes, sir.

Mr. CHUMBRIS. Could you give us a breakdown of who contributes toward the \$900?

How much is contributed under the Johnson-O'Malley Act?

Mr. JEROME. If you will not our criteria, a school may qualify under one or more of those criteria. In one instance, where the Indian youngster lives beyond the school district, the field Bureau of Indian Affairs will pay the full per capita cost. In another instance, where the youngster is a resident of the school district, the Federal Bureau of Indian Affairs will pay its proportionate share of the per capita cost.

I cannot, without checking further, tell you how much is garnered by the school, but those are the criteria that will pay the equivalent of \$890. It will depend on where the youngster resides.

Senator LANGER. From your personal experience, what is the most any one pupil costs?

Mr. JEROME. Well, there is going to be a pupil or two up there this year that will cost \$890.

Senator LANGER. Just 1 or 2 pupils?

Mr. JEROME. I don't know, but that is the per capita cost.

Senator LANGER. There may be 10 or 20?

Mr. JEROME. Yes.

Senator LANGER. Or 30 or 40?

Mr. JEROME. Let's don't go beyond 50.

Senator LANGER. Now, in St. John's, what does the record show?

Mr. CHUMBRIS. In St. John's we have a chart from the North Dakota Department of Public Instruction, administration of Indian tuition, financial statement, July 1, 1951, to June 30, 1952, and they show a total of \$52,000. They had receipts of \$52,078.53, and they expended \$43,649.06, and in St. John School District No. 3, they spent \$4,568.81.

In comparison to the other school districts, which were only around \$1,000, some were \$2,000, the Minot Special School District No. 1, it was \$4,099.84.

Senator LANGER. How much did they get per Indian pupil?

Mr. CHUMBRIS. We don't have the chart on that.

Senator LANGER. You must have it in there.

Mr. CHUMBRIS. Per pupil, St. John, let's see, there were 72 children enrolled, and the daily attendance cost per pupil was \$232.32. They received under the Johnson-O'Malley Act, \$9,258.77, and it amounted to 55 percent of the cost.

Senator LANGER. How much did it amount to per pupil?

Mr. CHUMBRIS. \$232.

Senator LANGER. Per Indian pupil?

Mr. CHUMBRIS. \$232.32.

Senator LANGER. Now, they had the chart there.

Mr. CHUMBRIS. Yes. That was pretty high in that instance. In other instances, they received far less than that.

Senator LANGER. How much was it Parshall, N. Dak., which is on the edge of an Indian reservation?

Mr. CHUMBRIS. In the chart we have here in 1950, North Dakota received \$123.77 per pupil cost, in comparison to—how much did you say you receive in Arizona?

Mr. HARKINS. \$232 was the average in elementary school.

Mr. CHUMBRIS. North Dakota received \$123, so you received about \$100 more for those pupils?

Mr. HARKINS. Only where they come from off the reservation to the school, where it is entirely the Government's responsibility.

Senator LANGER. In addition to that, may I not say that you board some of these Indian pupils, according to your agreement here?

Mr. HARKINS. That is right.

Mr. JEROME. The Federal Bureau of Indian Affairs boards them.

Senator LANGER. You did get paid for it?

Mr. JEROME. No, sir.

Senator LANGER. Don't they pay for their board?

Mr. JEROME. Yes, sir.

Senator LANGER. They do not do that?

Mr. JEROME. It is a special Navaho program.

Senator LANGER. You get paid for transportation. Do you haul them or does an independent party bring them?

Mr. JEROME. The school districts all—you mean to the boarding schools?

Senator LANGER. Yes.

Mr. JEROME. The Bureau of Indian Affairs brings them to the boarding school.

Senator LANGER. Well, will you make a note of that, Mr. Chumbris? It is very important. I am interested not only in North Dakota, but I am interested in 46 other States.

Mr. CHUMBRIS. I think the Senator would like to have the answer to this question: Why is it, or what is the schedule that you use, in determining the average cost per pupil to bring about a variance in certain counties? For instance, in North Dakota, one county gets less than another county? Could you explain that for the record?

Mr. HARKINS. Well, we use the actual per capita cost in that particular school district in Arizona, to determine the previous year, to determine what the estimated budget payments would be for the next year.

If Sanders costs \$890 per pupil and an Indian child comes to that school next year from off the reservation, and is the entire responsibility of the Government, then the Government will pay the full per capita cost of \$890 for that pupil.

Senator LANGER. A little while ago you testified that Arizona had a special arrangement, that is right, isn't it?

Mr. HARKINS. Yes, sir; that is part of it.

Senator LANGER. Do you know of any reason why every State should not have the same special arrangement?

Mr. HARKINS. I think every State should have it, so that we can educate the Indian children properly in public schools at Government expense.

Senator LANGER. It is notorious when you see New Mexico and Arizona getting the best deal.

Mr. HARKINS. We have most of the Indians and most of the State is Federal land.

Senator LANGER. We have reservations with four or five thousand Indian children.

Mr. JEROME. Well, I think you should understand that the per capita cost, Senator, is the per capita cost of running the school; it is not the per capita cost of educating the Indian youngsters.

Mr. HARKINS. That is apparently all that that school district is expending. Maybe they don't have as good a program, maybe they don't pay their teachers as high salaries. It doesn't cost as much to maintain and operate the schools, and they don't have the same transportation problems. We want to offer them the same facilities, the same high type teachers, and the same program that we offer all children.

Senator LANGER. Of course, we do the same thing in St. John.

Mr. HARKINS. Then you should have the same agreement.

Senator LANGER. I think, as a matter of fact, that we have better schools in North Dakota than you have in Arizona.

Mr. HARKINS. I will have to disagree with you there, Senator.

Senator LANGER. Iowa has five times the population of North Dakota, and our people up there are mostly Scandinavians, as you know and they are great sticklers for education, you know that much; they are great people for education. We have wonderful schools up there. It is true that we have not paid our schoolteachers as much as they earn. You pay here more in Arizona than we do to schoolteachers and we regret that in North Dakota and have tried and tried to get a change. I have always gone with the Hill amendment in Washington, trying to get the salaries of the schoolteachers raised, because today the most underpaid profession in the whole United States is schoolteaching, and I think that you will agree with me on that.

Mr. HARKINS. Yes; I will agree with that.

Senator LANGER. If the tidelands oil deal had gone through in the proper way, that would have taken care of that situation. It is just too bad that it was defeated because we would have had the money to raise the teachers' pay and have decent schoolhouses. You know what happened to it but still I don't believe there is a discrepancy between North Dakota and Arizona—or rather I don't believe that the discrepancy between North Dakota and Arizona is entirely fair, do you?

Mr. HARKINS. Well, don't take our information back and cut us. Bring the others up to Arizona's standards.

Senator LANGER. That is exactly what I propose to do, is to raise the other States up to the level of Arizona. I hope you get \$1,500 or \$1,600, that is perfectly fine with me. I do not think that you can

spend too much money for education. That is the feeling of the people out in North Dakota, the Scandinavians, the Norwegians, the Swedes, and the Danes. I think you will agree with me that they are far, far ahead of the other people in the United States, along cooperative lines. I think you will agree with me on that. You take any of those people who are educated over there, when they come over here they talk a half a dozen languages, as you know. It isn't only North Dakota, but we have South Dakota and Montana, and the plea that I have been making for a lot of the small States, who, in my opinion, have not been getting as much as they are entitled to from the Indian Department so I am, therefore, pleading for them also.

The Indian Department puts in the budget and it is cut down by the Congress and when it is cut down, they have got the most Indians in Arizona and New Mexico and we have to take most of the money for Arizona and New Mexico. That was the testimony of Glenn Emmons, but by a strange, strange, strange coincidence, all of the Indian Commissioners come from Arizona and New Mexico year after year, when anyone dies or quits, the new ones that come in come from New Mexico or Arizona.

I tried to get a first assistant from North Dakota or a second assistant Indian commissioner, or a third or fourth assistant, but by the eternal gods, in all the history of the State we have never had an assistant first, second, third, fourth, fifth, or sixth; we haven't had a janitor in Washington.

Now, it is all right to say that a Senator from that State is too loyal to his State and all that, but those are the cold-blooded facts.

Just like here, all the history of Arizona shows that you have never had a man who was a member of the Cabinet and you have never had a man on the Supreme Court. I think that is disgraceful to have a big State like you have, and fine citizenry, and not have a single lawyer who has ever been able to sit on the Supreme Court, and not a single man was ever made Secretary of the Interior or Secretary of Agriculture.

There are several States, Florida, 170 years, never had it. They have never had one from Arizona, nor from South Dakota, nor from Montana, nor from Idaho.

It is a hard thing to understand why the citizens do not rise up and protest, and say, "We are entitled to have representation over there in that Cabinet and on the Supreme Court, and especially in the Cabinet."

There is not a man or a woman in this room who doesn't know what Jesse Jones did for the State of Texas. He was head of the RFC and when he wanted an aluminum plant, he put it in Texas, the coal-fields were developed in Texas, Texas, Texas. That is a complaint that some of our States have that have a small population.

You will agree with me that you have outstanding lawyers and outstanding citizens who have been members of the Cabinet and on the Supreme Court and that was the reason why, when the Constitution was drawn up, giving each State 2 Senators, was that these 2 Senators in Arizona would be equal to the 2 senators in the State of New York. Here you have got Florida with over 3 million popula-

tion, New York with 5 million, and 1 time there was 6 from the State of New York and Arizona never had 1, and we are appealing for justice for the States of smaller population.

Now, when it comes to this matter of getting pay for Indians, we find that Arizona and New Mexico have a special arrangement and we want that same special arrangement for these other States.

Mr. HARKINS. We hope you get it. We also hope that you use your influence with the Senate in securing adequate funds under the Johnson-O'Malley Act for the education of the Indian children.

Senator LANGER. Go ahead.

Mr. CHUMBRIS. That is all.

Senator LANGER. Thank you very much.

Mr. CHUMBRIS. Father Edwards and Father Bonaventure, will you come forward, please?

**STATEMENT OF FATHER EDWARD HENRIQUEZ, SUPERINTENDENT,
ST. JOHN'S INDIAN SCHOOL, AND FATHER BONAVENTURE, ST.
JOHN'S INDIAN MISSION, LAVEEN, ARIZ.**

Mr. CHUMBRIS. Father Edwards, would you please state your full name and the Mission you are connected with?

Father HENRIQUEZ. Father Edward Henriquez, of St. John's Indian School, Laveen, Ariz. I am superintendent of the school.

Senator LANGER. And Father Bonaventure?

Father BONAVENTURE. Father Bonaventure of the Indian Missions, right now residing at St. John's Indian Mission, at Laveen, Ariz.

Mr. CHUMBRIS. I understand that you have been down with the Papagoes for many years?

Father BONAVENTURE. Yes, with every one of the tribes down here. I came to Arizona in 1910 and I have been there ever since.

Mr. CHUMBRIS. We would like for you to present religion's role in the Indian population, what you have afforded the Indian population so far as religion is concerned, and so far as efforts on behalf of the church to improve their problems are concerned, and whatever recommendations you may have to give to this subcommittee.

Father HENRIQUEZ. I think that Father Bonaventure is much more capable of speaking on the subject than I am, although I have been working among the Indians for 10 years at St. John's and we have Indians from the entire southwest there, from all tribes; we have the Papagoes, the Pimas, the Apaches, some Navahos, and occasional Hualapias, and the problems that we face there——

Senator LANGER. Father, may I ask this question first, as background? Would you please explain your institution and what it is for the record?

Father HENRIQUEZ. Yes; St. John's is a boarding school primarily, today, and I would say primarily a high school and we have stressed the high school in the past few years, because we feel that that is one of the fundamental needs for the Indians and that is secondary education.

For many years the school was only an elementary school, and I think we were rather missing the boat. But in the last years we have done everything to expand our high school and we never refuse a high-school applicant.

We have an average enrollment of about 300 students, and they are accepted regardless of tribe or religion, if we have room for them.

Every year we must turn away a great many because of inadequate facilities.

We have never received anything from the Department of Interior. This is our diamond jubilee, we were founded in 1895.

The role of religion, of course, I would think is very, very important in this whole problem of juvenile delinquency among the Indians, and the Senator indicated also very forcibly and very well, I thought, when he talked about the adult delinquency. That is true, but then we are not getting to the cause, the reason. I think if we want to point to a reason, a cause for the problem is the lack of good education.

Of course, among the Indians sometimes they laugh at any kind of education. They have to be taught to want to be educated, for one thing. That was said this morning. They said that the Indians all wanted an education and I don't think that is true. I think we have to show them the need for education and I think that moral and religious principles are very, very important; in fact, I believe they are all-important.

I don't think that any progress can be made unless we get back to the fundamental ideas. Godless education will not do us any good. We don't give the children any principles, moral standards, and if we don't teach them good from bad, and right from wrong, what can we expect?

I think that summarizes my views pretty well.

MR. CHUMBRIS. Well, Father, do you have any suggestions as to correcting any of the many problems that the Indians are faced here with in this particular area?

FATHER HENRIQUEZ. Yes; particularly regarding this delinquency problem. I think that one very important item is this release time that should be allowed to the ministers and the priests, to religious teachers, and that that by all means should be in there.

Now, I am not too familiar, because I am at a boarding school, and I think Father Bonaventure is familiar with the subject. I am sure that many of these other gentlemen are likewise familiar with the problem. I know that there has been difficulty and they have cut out release time for religious instruction. That has been cut out in some places and I think that is a terribly drastic mistake, and we are getting further and further into difficulty if we cut out religious and moral guidance for these kids.

MR. CHUMBRIS. Do you have any other suggestions?

Now, when you are referring to release time, you are talking about the release time from classes for religious instruction?

FATHER HENRIQUEZ. Yes, sir.

MR. CHUMBRIS. When did they cut the release time out?

FATHER HENRIQUEZ. I am not familiar with that.

FATHER BONAVENTURE. That release time difficulty occurred within the last 10 years, gradually.

MR. CHUMBRIS. Have you had the matter taken before the courts on the prohibition of the teaching of religion in the public schools?

FATHER BONAVENTURE. That matter has been taken up with other parts of our hierarchy.

Mr. CHUMBRIS. I understand in New Jersey and in Illinois there are cases that have gone all the way up to the Supreme Court of the United States.

Father BONAVENTURE. No; we have not here. But we have ours not only from the State but in the Federal schools.

Mr. CHUMBRIS. Those Federal schools run by the Indian Bureau?

Father BONAVENTURE. Yes. For instance, I will take a concrete case, at the school at San Carlos. We find that we have no facilities of our own there to hold any of our religious ceremonies, so we have quite a number of Catholic children in the San Carlos district, over a hundred or so, and it is almost impossible to give religious instruction in town, and most of the children come a distance by bus. Now, we cannot hold up that bus in order to accommodate children who would have to stay at the school, because that fact is pretty well certain. We cannot take school time for our instructions.

Mr. CHUMBRIS. Perhaps you would want a question directed to the area director as to why, and the reasons behind the removing of this time for religious instruction.

Father BONAVENTURE. Well, we have placed before the area director several times this matter but he is under directions from someone else.

Mr. CHUMBRIS. What was his answer to you?

Father BONAVENTURE. He answers this, "You cannot have release time during school hours."

Mr. CHUMBRIS. And if you cannot have it during school hours, is there any available time to give instructions in religion? Do you have any available time or convenient time?

Father BONAVENTURE. We would have available time under these conditions after school.

Mr. CHUMBRIS. But is that a convenient time?

Father BONAVENTURE. Well, it would come about this way, that we would have to supply our own transportation in taking the children home, who live at distances. We would have to do that. We have been having difficulty in trying to get better cooperation between the school authorities and the others. For instance, we have to get written consent from every family for each child that they should be allowed not to board the bus that goes home, that they can be kept there for religious instruction, and that takes quite a bit of running around. It is just very hard for many people.

Mr. CHUMBRIS. Of course, I was going to say that that seems to be quite a raging question that has been brought up at many of our community hearings. It is unfortunate that under the interpretation of the Constitution provision of freedom of religion, the public schools have been required to forego any teaching of any religion in the public schools and that has been brought to our attention many, many times, and it is a very pressing problem, in view of our Constitution.

Father BONAVENTURE. Yes. And then, of course, that is the main thing that I would complain against. I see the danger that is being done to youth, because without religion you cannot guide them. I am not bringing up the question of sectarianism. It is not that. It is the idea to give them a knowledge of God, no matter who gives it. It should be fundamental. There should be no worry about that. We know on the San Carlos Reservation the missions have the same idea

that we have on that question, and they have difficulty getting time for religious education.

Senator LANGER. You said no matter who gives it. You would be perfectly willing to have a Presbyterian give that religious education to the children?

Father BONAVENTURE. Not to our children. Of course, we want to give it to our own children.

Senator LANGER. Reverend Crumb, will you come up here and defend that?

Reverend CRUMB. I would be glad to come up. I have been championing at the bit to get up here with you gentlemen.

The State of Arizona at the last meeting, we put through, or Senator Sullivan, rather, introduced a bill on release time for religious education. At the same time his bill was introduced, a special committee, of which I was chairman, meeting with the various religious leaders of the various churches, the Roman Catholic Church, the Latter Day Saints, we had several meetings at the YMCA and we had drawn up our bill, or suggested bill, and due to Senator Sullivan having introduced his bill, we held ours back.

His bill, I understand, was locked up in committee and never came out.

We are in hopes that this next legislature will pass our bill that we had drawn up by legal advisors, which would cover the problem these gentlemen brought out. I am sure that both Father Edwards and Father Bonaventure will agree, and they have stated the fact of the problem here in Arizona as well as in other States. There is nothing in the Constitution of the United States, Federal Government laws and regulations, which would prohibit the bill we suggested and recommended, and that is where permissive legislature will be made, not mandatory but permissive regulation, in which, at the beginning of any school year, the parents of the children may sign a statement saying that they wish their children to be released from one class period a day in order to attend their religious education classes.

The Roman Catholic folks would have theirs. The Latter Day Saints folks already have theirs and they would continue to have theirs. And then the other groups would decide and have a committee of their own. The rest would get together in a council of churches idea and come up with something.

The Latter Day Saints folks have said that they would allow the Roman Catholic and groups to use their facilities near the school if they wanted to do it.

Father BONAVENTURE. Well, here is another thing which I see no reason in, and that is what should prohibit us from using the school facilities for that purpose? That seems to cause great difficulty, and it would lighten the pressure a whole lot if we could do that. Those people who are attending the school have a full right to get the full benefit of whatever the school can give.

For instance, good hall facilities up there, they have them there and we could have used it, but they were not used and they are right at the school.

Senator LANGER. I am very curious to get the idea of you gentlemen on Federal aid to schools.

Reverend CRUMB. I think you overlook one factor and that is the fact that we regret it, and so do you, but the fact that we have people

today in the United States of America who do not believe, and cannot see the value of religious education, therefore, Federal funds and school funds cannot be used because of that fact.

I think you will find that your juvenile probation officers throughout the country, and my records will bear this out, have stated that for 20 years, from 75 to 90 percent of all juvenile delinquency, as well as adult delinquency, have had no religious affiliation whatsoever, and regardless of that, you still have folks like those in the McCollum case in Illinois. These cases have been tried and definitely have been taken to the courts to keep their youngsters from having a religious influence.

FATHER BONAVENTURE. It is hard to understand why we cannot have the use of those buildings. They have already been constructed, and there would be no extra expense to the Government for the use of the buildings and it is hard for us to understand why we should be restricted from using them for religious purposes.

The answer has been in almost every case, "If we do it for you, we have to do it for everybody else." I certainly cannot understand that, because I believe it would cause very little difficulty.

SENATOR LANGER. Thank you very much, gentlemen. Is Tom Dodge in the room?

MR. STEVENS. I might say, Senator, with respect to Father Bonaventure, that he is the historian for the Franciscan Fathers and if there is one thing on juvenile delinquency that he is very familiar with, it would be the Gila River and other reservations and I am sure that he could give the committee the benefit of it, the benefit of the causes for the low economic standards of those people; it is the low economic standard of those people which cause juvenile delinquency and bring misery to the number of people. Father Bonaventure is probably the best informed man in the State of Arizona on that.

MR. CHUMBRIS. Father, would you just wait until later, please?

FATHER BONAVENTURE. Certainly.

SENATOR LANGER. I would like to have Mr. Dodge testify.

MR. CHUMBRIS. Is Mr. Cox here?

MR. COX. Yes.

MR. CHUMBRIS. When we bring up the Pimas we will call on you gentlemen.

SENATOR, I would like to have you meet these people. I believe Mr. Dodge can introduce them to you.

MR. DODGE. Senator, I would like to have you meet Mr. Jesse J. Stevens, chairman of the San Carlos Apache Reservation. This is Mr. Anderson and this is Clarence Wesley, and I think you met him this morning.

MR. CHUMBRIS. Mr. Dodge, have you given your name and your address for the record?

TESTIMONY OF THOMAS H. DODGE, SUPERINTENDENT OF SAN CARLOS AGENCY

MR. DODGE. My name is Thomas H. Dodge, and I am superintendent of the San Carlos Agency. Here is a statement that we want to submit.

MR. CHUMBRIS. Fine. We will have it introduced into the record. Now, will you state in your own words, just what you want to

present, how you want to present the picture, as you see it, at the San Carlos Apache Reservation.

Mr. DODGE. The San Carlos Indian Reservation extends into three counties—Gila, Graham and Pinal. In the east central part of Arizona. It has an area of 1,640,000 acres.

The reservation was originally created by an Executive order issued December 14, 1872, by President Grant. Subsequent to that date, 2 or 3 times the original reservation has been reduced by Executive orders, so that, at the present time, the size of the reservation, as I have stated, was more than twice the present size, and half of it has been taken away from them.

Mr. CHUMBRIS. Is this information that you are now giving in that statement?

Mr. DODGE. Yes.

Mr. CHUMBRIS. That statement will be made a part of the record.

(The document referred to, entitled "Report on the San Carlos Reservation" was marked "Exhibit No. 10," and is as follows:)

EXHIBIT No. 10

REPORT ON THE SAN CARLOS RESERVATION

The San Carlos Indian Reservation extends into three counties, Gila, Graham and Pinal, in the east central part of Arizona. It has an area of 1,640,000 acres.

The reservation was originally created by Executive order issued December 14, 1872, by President Grant. It was reduced in area by Executive order of July 21, 1874, which restored to public domain all lands lying east of longitude 109°30'. The reservation was further reduced by Executive order of April 27, 1876, which restored to public domain the western portion of the original reservation. Other reductions, including the cession of the mineral strip in 1895 to the Federal Government, reduced the reservation to less than half of its original size.

A civilian agency was established in 1897 at Old San Carlos at the confluence of the Gila and San Carlos Rivers. This had been a military post up to that time. In 1929, upon the completion of the Coolidge Dam, the agency was moved to Rice Station, which was then changed to San Carlos. This was done because the agency site at Old San Carlos was included in the reservoir site for the Coolidge Dam.

Except for the valley lands along the Gila and San Carlos Rivers, the reservation is mountainous and rugged. In the higher elevations there are some comparatively level areas such as Ash Flat and the Point of Pines Districts. Most of the reservation is covered with scrub growths and grasses. Above the 6,000-foot elevations, a large percentage of the land is sparsely covered with alligator, juniper and ponderosa pine. Because of the scant tree average, most of these districts also maintain considerable forage growth.

This reservation is the homeland of the San Carlos Apache Tribe numbering approximately 4,000 men, women, and children. About 3,600 of them live on the reservation in 2 scattered communities, San Carlos and Bylas, which are 50 miles apart.

The tribe is organized as a tribal corporation under the Indian Reorganization Act of June 18, 1934, with a written constitution and bylaws approved January 17, 1936, and a corporate charter ratified on October 16, 1940. A revised constitution and bylaws was adopted by the tribe on February 24, 1954, and a revised corporate charter ratified on March 7, 1955.

The governing body is a tribal council consisting of 11 members elected by the tribe. The tribal officers are a chairman, vice chairman, and a secretary.

The principal industry of the tribe is cattle which number about 23,000 head. The tribal corporation owns and operates 2 herds—1 is a registered herd numbering about 1,000 head and the other is known as I. D. T. herd consisting of about 2,000 head. The rest of the cattle numbering approximately 20,000 head are owned by about 760 individual families and are run in 11 districts by 11 livestock associations, which were organized and operated as voluntary organizations on mutual-assistance basis.

The tribal corporation also owns and operates 2 tribal stores, 1 at San Carlos and the other at Bylas. It also maintains and operates a garage and a filling station. Three other stores—trading posts—are owned and operated by nonmembers of the tribe. The two tribal stores control and handle most of the trading business on the reservation. The tribe has recently embarked upon a farming enterprise by planting some grain and alfalfa on 200 acres of tribal farmlands at Bylas. The crops, when harvested, will be used to feed cattle during the spring cattle sales next month.

In order to operate and manage its business enterprises more efficiently, the tribe set up a general management last year with a general manager in charge. In this way various tribal enterprises, tribal budget, expenditures, bookkeeping, accounting, credit control, and operations are placed under one centralized management.

Last year the tribe called upon the Stanford Research Institute of Palo Alto, Calif., to do an economic survey and study of the reservation. After working continuously for 8 months on the reservation, the research group has submitted a very fascinating and valuable report on the potentials of economic development of the reservation resources. The tribe and the Indian Service must now make use of this study and put into operation the recommendations of the report as soon as practicable. Some will require long-range planning and congressional appropriations of necessary funds. Others require only tribal funds and tribal operations.

The tribe, with the advice and help of the Stanford Research Institute, also organized an economic advisory council consisting of 5 prominent businessmen of the State, 1 tribal attorney and the area director of the Phoenix Area Office of the Indian Service. This group advises and assists the tribe in developing and carrying out economic and management programs based upon the studies made by the Stanford research group.

The tribe is also responsible for the operation and maintenance of two other programs on the reservation, namely, welfare and law enforcement. The welfare program consists of processing and taking care of welfare cases of needy members of the tribe who are unable to provide for themselves and are not qualified for assistance from the public-assistance program of the State of Arizona. For the calendar year of 1954 the tribe granted, from its tribal welfare funds, \$21,104.08 to 366 tribal members who needed general assistance or relief. During the same period the State of Arizona contributed to members of the tribe who qualified for State public-assistance program as follows:

In Gila County: Old-age assistance, 613 clients received \$31,477; assistance to blind, 147 clients received \$8,454; assistance to dependent children, 683 clients including 286 families, \$21,792.

In Graham County: Old-age assistance, 312 clients received \$18,136; assistance to blind, 26 clients received \$1,820; assistance to dependent children, 360 clients received \$31,776. In other words the State granted a total of \$113,455 in public assistance to San Carlos Apache Indian clients in the two counties.

In the law-enforcement program the tribe operates under a law and order code of 1941 which defines 50 different minor offenses. The law-enforcement personnel consists of 2 tribal judges, chief of police, and 8 policemen. The judges and police force are employed by the tribe and their salaries are paid from tribal funds. The tribal expenditure for salaries and other expenses of law-enforcement program amounted to \$28,502.96 for 1954.

The 1954 records of the tribal court show the following cases of convictions involving adults only:

	<i>Cases</i>
Disorderly conduct, drunk.....	350
Slander.....	59
Assault and battery (drunken brawls).....	148
Assault.....	15
Liquor violation.....	51
Abduction.....	40
Adultery.....	9
Failure to support.....	11
Illicit cohabitation.....	40
Theft (petty).....	8
Bastardy.....	2
Total.....	743

During the same period cases of convictions involving juveniles 14 years of age to 18 years of age were as follows :

	<i>Cases</i>
Disorderly conduct, drunk.....	59
Slander.....	1
Illicit cohabitation.....	3
Assault and battery.....	2
Liquor violation.....	1
Drunk driving.....	1
Disorderly conduct.....	3
Escape.....	3
Abduction.....	2
Theft.....	1
Total.....	76

In 1954 cases handled in Federal courts numbered 13, of which 10 were assault with deadly weapon, 1 murder, 1 attempt to derail railroad, and 1 manslaughter.

At least 95 percent of all crimes and misdemeanors committed on the reservation is traceable to drinking and drunkenness. The biggest problem on the reservation is the excessive use of intoxicants. Because of this, a number of able-bodied men are unable to find and hold employment. Children are neglected. Schoolchildren are discouraged from going to school. Families are broken up. Unless controlled in some way, it will mean destruction of the tribe and their holdings.

The Indian judges and police are doing as good a job as can be expected under the circumstances. Neither the judges nor the police are trained. Their education does not extend beyond the grade schools. Their commonsense and their deep understanding of their people more than make up for their lack of training.

EDUCATION

The Indian Service maintains and operates 2 day schools, 1 in San Carlos, with 379 children in attendance, and the other in Bylas, with 110 children. Two mission schools operated by the Lutheran Church, one in Bylas and the other in Peridot, which is a part of the San Carlos community, accommodate 225 children between them. The public schools in Globe and Fort Thomas, the two nearest towns to the reservation, have 119 children, most of whom are in high school. Rice Public School at San Carlos has 11 Indian children. School buses transport these children every schoolday to their respective schools. A tribal ordinance and a State law, both providing for compulsory school attendance, and their effective enforcement, are responsible for almost 100 percent attendance in the Indian and public schools. Only eight children of school age are out of school because of home circumstances which will not permit them to attend school this year. Nonreservation Government and mission schools are taking care of 229 children. The total number attending all these schools is 1,073. Exhibit A shows the number of children in the various schools.

HEALTH

The Indian Service maintains a hospital at San Carlos with 20 beds and it is always full with Indian patients. Its actual capacity is 45 beds but because of limited appropriations it is rated 20-bed capacity. Since the reservation is far removed from modern medical centers such as Phoenix and Tucson, and since doctors are reluctant to practice in isolated places, the hospital is not equipped to handle surgery. Patients requiring surgery are transferred to the Indian hospital in Phoenix. All other patients are hospitalized in the local hospital. Clinics are held four times a week at San Carlos and once a week in Bylas.

The one doctor for the reservation not only takes care of the Indian patients in the hospital and in the clinics, but also supervises and manages the hospital and has charge of the whole health program for the reservation. At Bylas a

public-health nurse handles health education program under the direction and supervision of the doctor. The statling of the hospital is shown on the attached exhibit B which also includes the amount of funds allotted for the health program on the reservation. General figures on the number of inpatients and outpatients are shown on the attached exhibit C.

Reverting to the cattle industry, it should be noted that, in 1954, 600 families sold 5,483 for \$535,316.58. This is an average of \$890.70 income from cattle per family, and is quite a contrast to \$3,100 which was the average family income from cattle in 1951 when cattle prices were at the highest level. The attached exhibit D shows income from cattle in 1954.

The tribe and the Government have an excellent relationship with the neighboring towns of Safford, Globe, and Miami. The same thing is true with the public officials of the State and the counties which surround the reservation. Wherever possible the tribe is making use of outside agencies and organizations for better understanding and cooperation.

The Indian people have entered a critical period of transition and adjustment to the dominant culture of the white man. This is a difficult process, painful and demoralizing at times. It means that for about 2 more generations to come, the majority of them will try to learn and live according to the demands of 2 cultures which for the most part will be in contrast with one another. It is hard enough to learn and absorb one culture. For the Indians to succeed without too much destructive experience, they will need all the sympathetic understanding, cooperation, and assistance from the American people in the State of Arizona. Right now excessive use of intoxicating liquors is just an acute symptom of maladjustment between two cultures. This cannot be permitted to continue too long. The American people must become real active friends of the Indian people.

ENROLLMENT, SAN CARLOS, 1955-56 SCHOOL YEAR

San Carlos will discontinue teaching grades seventh and eighth as of September 1955. There are now (1954-55 school year) 78 students enrolled in the sixth, seventh, and eighth grades who will not attend San Carlos day school during the 1955-56 school year. However, the enrollment at San Carlos day school will not decrease in 1955-56 due to the anticipated enrollment of 70 to 80 beginners.

SCHOLARSHIPS AVAILABLE FOR INDIANS

- No. 1. Congregational Mission Churches scholarships.
- No. 2. International Relations Club Indian scholarships.
- No. 3. Miami Chamber of Commerce scholarship.
- No. 4. Foundation for the Higher Education of American Indians.
- No. 5. Pow-Wow scholarships.

EDUCATION

Financial and personnel program, fiscal year 1955 (school year 1954-55)

Funds allocated for educational program-----	\$178,965.00
Salaries-----	88,410.00
Other-----	90,555.00
	<hr/>
Number of regular employees (numbered positions) :	
Principals (administrators)-----	2
	<hr/>
Teachers (full-time, elementary)-----	18
Teachers (substitute, elementary)-----	2
	<hr/>
Clerical-----	1
Cooks-----	2
Chauffeurs (bus drivers)-----	4
Janitors-----	3
All other (laborers, maintenancemen, etc.)-----	7
	<hr/>
Total-----	39

HEALTH

Financial and personnel program, fiscal year 1955

Funds allocated for educational program-----	\$106,916
Salaries-----	83,335
Other-----	23,581
	<hr/>
Number of regular employees (numbered positions) :	
Doctors-----	2
Field nurses-----	1
Director of nurses-----	1
Staff nurses-----	5
Trained practical nurses-----	3
Hospital attendants-----	4
Cooks-----	2
Clerical-----	1
X-ray technician-----	1
All other (chauffeurs, laborers, maintenancemen, etc.)-----	6
	<hr/>
Total ¹ -----	26

¹ Operating a budgeted 20-bed hospital for which during the period July 1, 1954, through Mar. 31, 1955, the daily average patient load has been 21.2.

San Carlos Indian Hospital outpatient clinic treatments (period, July 1 through Mar. 31)

Types of treatments	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Total
Pneumonia	4	2	1	2	8	5	22	8	11	63
Veneral disease	6	2	9	2	6			3	7	35
Respiratory tuberculosis		2	1				8	4		15
All other tuberculosis			1						1	2
Chicken pox					10	20				30
Measles									6	6
Mumps								22	7	29
All other cases	809	874	986	836	758	941	1,206	895	1,079	8,434
Total	819	880	998	890	782	966	1,236	932	1,111	8,614

Income derived from cattle sales, calendar year 1954

	Total number of cattle sold	Value all cattle sold	Number of families who sold cattle	Average income per family
Sold by individual families	5,483	\$535,316.58	601	\$890.70
Individual association and tribal cattle sold	6,004	490,733.51		
Total	11,487	1,026,050.09	601	890.70

MR. CHUMBRIS. Would you prefer that the Senator and I asked you questions?

MR. DODGE. It does not make any difference, either way.

Senator LANGER. I would rather hear Mr. Dodge talk. I understand that you are about the best expert around here on this problem.

MR. DODGE. I am afraid that is an exaggeration, Senator.

The tribe is organized as a tribal corporation under the Indian Reorganization Act, and they have a written constitution and a written corporate charter.

The population of the tribe is approximately 4,000 men, women and children. Of that number, approximately 3,600 live on the reservation.

The governing body of the tribe is a tribal council consisting of 11 members, including a chairman, vice chairman and secretary.

The principal industry of the tribe is cattle. At the present time they have approximately 23,000 head of cattle.

Of that number about 1,000 head are in a registered herd, a pure-bred registered herd, and there are 2,000 more in another tribal herd which is known as the IDT herd. That was originally established for the purpose of taking care of the relief needs of the members of the tribe who are in need.

The tribal corporation also owns and operates several tribal enterprises, such as 2 tribal stores, 1 at San Carlos and the other at Bylas. Those are 2 Indian communities and they are separated by a distance of about 50 miles.

The tribal corporation also maintains and operates a garage and filling station.

Just recently they have also embarked upon a tribal farming enterprise and they have planted some small amounts of grain and alfalfa on 200 acres of tribal farmlands at Bylas.

The crops from this project, when harvested, will be used in feeding cattle during the spring cattle sales next month.

Last year when the price of cattle went down to the lowest level, the tribal council decided to consolidate its enterprises and set up a centralized management with a general manager in charge. This was done about 12 months ago. Since then these tribal enterprises and the tribal budget and the tribal expenditures and bookkeeping and accounting, credit control and operation, are placed under one centralized management.

In addition to that, the tribe wanted to start on a long-range planning project, and in order to get the necessary information of their resources, they called upon the Stanford Research Institute of Palo Alto, Calif., to do an economic survey and study of the reservation.

The Stanford research people came, and they studied the economic possibilities on the reservation for about 8 months and they have just recently submitted their report on their studies, and I would like to submit a copy of their report. I think that is one of the finest studies that has ever been made of an Indian reservation's economic possibilities.

Senator LANGER. I will tell you, Mr. Dodge, it is a beautiful report, but I don't know of any Senator that will have time enough to read it: it is so voluminous. We will have to submit it to our staff and have them analyze it.

We have a very competent staff down there, some of the very best lawyers in the country.

Will you see that that is done, that that is taken and analyzed, and then have the analysis prepared to submit to Senator Kefauver, because he will want it, I am sure.

Mr. CHUMBRIS. All right, sir.

Mr. DODGE. In addition to the tribal enterprises, the tribe also handles its own release program and they also handle their own law and enforcement program, under their own law and order code, which they adopted back in 1941.

This code defines 50 different minor offenses.

As I said, the tribe handles its own law-enforcement program under a law and order code that was adopted by the tribal council and it covers 50 different minor offenses. The law-enforcement personnel of the tribe consists of 2 tribal judges, 1 chief of police, and 8 policemen. The judges and the police force are employed by the tribe, and their salaries are paid from tribal funds.

The expenditures for salaries and other expenses of the law-enforcement program for the calendar year of 1954 amounted to \$28,502.96.

The tribal court records for the calendar year of 1954 show the following: Disorderly conduct, drunk, 350 cases; slander, 59 cases; assault and battery (drunken brawls) 148 cases; assault, 15 cases; liquor violations, 51 cases; abduction, 40 cases; adultery, 9 cases; failure to support, 11 cases; illicit cohabitation, 40 cases; theft (petty), 8 cases; bastardy, 2 cases.

That made a total number of cases of 743.

Senator LANGER. How many for drunken driving?

Mr. DODGE. None.

Senator LANGER. None at all?

Mr. DODGE. So far as the tribal court records show, there are none, so far as the adults are concerned, but there were 1 or 2 among juveniles which we will come to.

Mr. CHUMBRIS. Did you say that there were 39 slander cases?

Mr. DODGE. 59.

Mr. CHUMBRIS. What type of action was that?

Mr. DODGE. I am not familiar with the complaints and so forth but it does cover that very matter.

Then during the same period of time, cases of convictions involving juveniles, 14 years of age to 18 years of age, were as follows: Disorderly conduct, drunk, 59 cases; slander, 1 case; illicit cohabitation, 3 cases; assault and battery, 2 cases; liquor violation, 1 case; drunk driving, 1 case; disorderly conduct, 3 cases; escape, 3 cases; abduction, 2 cases; theft, 1 case.

This made the total number of cases 76. That was for the calendar year of 1954.

During the same period of time there were 13 cases submitted to the Federal courts which involved 10 cases of assault with deadly weapon, 1 murder, 1 attempt to derail a railroad train, and 1 case of manslaughter.

Senator LANGER. Is that all in your report?

Mr. DODGE. Yes.

Senator LANGER. Now, I will tell you, I would rather have you leave your report, and I would like to have you tell this committee the general impression that you have. We will have your report made a part of the record, see that that is all in the record, Mr. Reporter?

I would like now to have your frank and unbiased opinion of your entire Indian problem in the State of Arizona.

Mr. DODGE. Including the—

Senator LANGER. And take all the time you need to tell us about it.

Senator Kefauver is a very thorough man. I inquired around and I said you, perhaps are as competent a person as anyone who could give us a frank and honest opinion of the Indian problem in Arizona, and probably you could tell us what Congress should do or what should be done in order to accomplish the most good.

Mr. DODGE. Well, I would say this, so far as law enforcement is concerned, that about 90 percent of all the offenses committed by the Indians on Indian reservations can be traced to the use of intoxicating liquors.

On the San Carlos Reservation alone, the excessive use of intoxicating liquor has increased, and it has almost doubled since the repeal of the Federal Indian liquor prohibition law. I imagine to a greater or lesser extent, the same thing would be true on other Indian reservations. I know it is certainly true on the Navaho Reservation.

Just the other day I happened to be checking into the State records of Indians in the town of Safford; that is a town adjacent to, and not far from, the San Carlos Reservation and I went into the sheriff's office and I asked for the number of cases that they handled involving the San Carlos Apache Indians, and they said, "We don't handle very many of those cases, but we certainly did handle about 300 Navaho cases."

And that is probably true because during the fall season, quite a number of Navaho families came down from the Navaho Reservation for cotton-picking purposes around Safford.

Prior to the repeal of the Indian liquor law, there had been a great deal of drinking among the Indian people. I would say from my own

personal observation that that can be traced to one dominant fact, and that is that the Indians are compelled by circumstances to try to learn and live according to the demands of two distinct, and in many cases, contrasting, cultures. There is the Indian culture and there is the white man's culture.

As I say, in many respects these two cultures are in contrast, and the Indian people are divided in their loyalties between the two and the result is that they become confused, and they become discouraged, and I would say that in the case of many of them, it drives them to drink.

In order to tackle this problem, I would suggest an adult educational program, and if this adult educational program can be developed and can be financed, by some foundation, I think it would be more effective than if Federal funds were used.

Senator LANGER. Well, aside from the Indians, take all juvenile delinquents, now, a boy will look at television. We have one of those beer outfits down in Washington, for example, and when a football game is broadcast, between the Southern Methodist and Notre Dame University, in every interlude, this brewery company gets on, and their slogan is, "Oh, boy, what a beer."

Then they show the beer pouring out and they see it foaming up in the glass. Now, don't you think that it would be a blessing for America if that television advertising of beer was abolished?

Mr. DODGE. I would say so. In fact, I will go even further. I would even say that television should be abolished. I mean, that is my own personal opinion.

Senator LANGER. I have had a bill pending to abolish advertising in radio and television, and have put it in year after year after year, for 5 or 6 years, and I defy you to get it out of the committee.

Mr. DODGE. I agree with you.

Senator LANGER. I would like to have the opinion of Father Bonaventure. I am very curious to know your opinion on this liquor advertising on television.

Father BONAVENTURE. Well, that is true. Mr. Dodge has told you it is really the cause, but it came from the wrong laws that we had before that they could not drink. That is really what has caused the real trouble. They were then driven to their own drinks, making the liquor themselves, and drinking the whole amount up at one time, so as not to be caught with any. Even if they bought liquor—and they got it as easily as anybody else—they had to drink it all at once in order to destroy the evidence. That was practically the cause of the trouble for the Indian people.

Otherwise, in the country where they did not apply that law, south of the border, the population of Indians there have no difficult problem with it.

Senator LANGER. Here is a boy 5, 6, 7, 8, or 9 years old, and one beer company after another brings along their beer advertising. I do not see how that will do those boys any good.

Father BONAVENTURE. Certainly not. From what Tom says, using television to tie those things in should be stopped just on that account.

Senator LANGER. May we have the Reverend Crumb's idea on that?

Reverend CRUMB. Senator, I suggest this, if you don't mind, I would like to have you get me a copy of your bill, and the reason I would like to get a copy of your bill is this: I think there is a way of getting

enacted—I think if we got your bill out and the clergy as a whole knew everything concerning the bill, that we could get a copy to every clergymen in the United States, and we could advocate it from the pulpits and have petitions signed and sent to Washington.

One of the things I brought up yesterday, I believe, is the disgrace to the United States in the fact that the schools, or many of them, are not teaching the moral effects of beer and cigarettes to the children as they are supposed to, according to the constitutions in various States.

Now, I think that you are hitting it on the head. We not only need to take the ads off of television and radio, but we need to start back again to the old-fashioned way of educating the children as to the effects of alcohol and tobacco on their systems. I think that would help the Indians, whites, and ever other kind of children.

Senator LANGER. I want to thank both of you. Proceed, Mr. Dodge.

Mr. DODGE. Then the second point I would like to stress would be to arouse the American people in the communities surrounding the reservations, in the counties in which the reservations are located, and in the whole State of Arizona, I would say, to get the American people interested in the Indian people. Because, after all, in the final analysis, it is their responsibility and yesterday, Senator, you sort of indicted Congress for not legislating enough funds, and I would also include in that the American people for being indifferent to their Indian neighbors.

We on the San Carlos Reservation have realized this and, as Mr. Marks touched upon it this morning, we approached the various service clubs in Globe and Safford, when I first went over there 3 years ago, and we tried to get the American people in those towns interested in the problem of our people.

We started by organizing a law-enforcement association consisting of the superior judges and county attorneys and the city police judges, and the city policemen and the sheriffs and their deputies, and so forth.

Senator LANGER. Now, all of these people that you have mentioned are men. Now, when women's suffrage first came along, I was a great advocate of women's suffrage. I went all over speaking for women's suffrage. The women have had the vote since 1920 and I want to ask your honest and frank opinion—Have they helped the situation any? They were going to do so much to clean up all these things around America. We got the women the vote and they were going to do away with so many of the evils. What is your judgment on that? What have these women really done?

Mr. DODGE. I don't want to say, Senator.

Senator LANGER. Go right ahead and speak up. Your wife isn't here.

Mr. MARKS. I think he should stand on his constitutional rights on that question, Senator.

Mr. DODGE. Frankly, I really don't know what to say about it, Senator. That is a vast territory to give an opinion on.

Senator LANGER. Well, we had the WCTU before we had women's suffrage. Now, since women's suffrage has been adopted do you know of any organizations among women to clean up these evils in the country?

Mr. DODGE. Not to any large extent, no. However, I would like to recognize this fact, though, that so far as the plight of the Navaho's was concerned, for years and years and years——

Senator LANGER. Leave the Navahos out of it right now.

Mr. DODGE. No, I want to bring out the role that the women played in calling the attention of the Nation to the plight of the Navahos. It was really done through the women's clubs. They started calling the attention of the people, in fact, of the Nation, to the plight of the Indian, and it was not until they came into the picture that the Navahos were taken care of. I just wanted to show that the women have made and played some part in Indian affairs.

Senator LANGER. What organization did that?

Mr. DODGE. The women's club.

Senator LANGER. The women's club?

Mr. DODGE. Yes, the women's clubs throughout the Nation.

Senator LANGER. You understand, I am for the ladies, too.

Mr. DODGE. Sure, I do.

Senator LANGER. Don't get me wrong. I have got a wife and four daughters, and it is very important that they understand my position. I am not testifying.

Mr. DODGE. Well, anyway, I just wanted to give credit to the women's clubs for that one fact anyway.

Senator LANGER. Well, the Daughters of the American Revolution every so often come down to Washington and my wife belongs to them and I go down there and listen to them and it is interesting.

Then you know we have got the women's press club, and we have got a lady right here in town, and I intend to have her on the witness stand, Mrs. Polly Brown. I want to get her ideas, too, as to the press, whether they are any different from the men in the press in reporting news.

But I think the women—or, rather, you think the women did a lot of good for the Navahos?

Mr. DODGE. I would say so; yes, sir.

Senator LANGER. All right.

Mr. DODGE. That is the reason I say that I think the American people should get interested in the Indian problem.

Senator LANGER. Well, now, you know that a man's wife can get a man to do almost anything, isn't that true?

Mr. DODGE. That is true.

Senator LANGER. If she really makes up her mind to it.

Mr. DODGE. Yes, sir.

Senator LANGER. Now, if we could get a crusade started, and have the women say, "We are not going to tolerate certain conditions," you wouldn't have those conditions, isn't that true?

Mr. DODGE. Yes, sir.

Senator LANGER. You take any reform movement, when things get real bad in a locality, it is generally the women's complaints that bring about the change. Hasn't that been your experience?

Mr. DODGE. That is very true.

Senator LANGER. They have a terrific power for good.

Mr. DODGE. That is right.

Senator LANGER. It is just a matter of getting it organized, that is all.

Mr. DODGE. That is right.

Senator LANGER. Well, I am delighted to hear you say that they have done a lot of good for the Navahos.

Mr. DODGE. I have to admit that much.

Those are the two things that I would like to bring out at this time but since your time is getting short—

Senator LANGER. Our time is not short at all. We have got all night. We are not going to leave until tomorrow morning.

Mr. DODGE. I thought I heard you say you were leaving at 5:30.

Senator LANGER. We have these tribes here and we will stay here until we hear them.

Mr. CHUMBERIS. We were going to leave at 5:30 but we are getting a private plane out of here tomorrow morning so that we can hear the rest of the witnesses this evening, isn't that right, Senator?

Senator LANGER. That is right.

Now, Mr. Dodge, we have not heard from the gentlemen with you and we would like to hear from them.

Mr. DODGE. Mr. Stevens, Mr. Jesse Stevens, is the next man on the program. He is chairman of the tribal council on the San Carlos Apache Reservation.

Mr. MARKS. I would like to say for the record that you have a couple of men up here who are noted for being leaders of the Indian people and one of them is Jesse Stevens, chairman of the council, and Clarence Wesley over here, who is the secretary of the tribal council on the San Carlos Reservation, and who is also chairman of the Arizona Intertribal Council.

Senator LANGER. Thank you very much.

TESTIMONY OF JESSE STEVENS, CHAIRMAN, SAN CARLOS APACHE TRIBAL COUNCIL

Mr. STEVENS. Thank you, Senator. It is, indeed, a pleasure and honor to be here and to be able to speak to you on Indian problems.

Mr. Wesley is the second highest officer of the National Congress of American Indians, and he is also president of the Intertribal Council of Arizona.

We feel like we have in the past progressed to a large extent, especially in the past 10 or 15 years. We are happy to be able to tell you, Mr. Senator, that we have on our reservation, as Mr. Tom Dodge has mentioned, these enterprises, the two tribal stores, and a farming project which we have now gone into, and we hope, in time, that we will be able to do those things without the assistance of the Federal Government. But we still do need the assistance of the Federal Government in ways such as roads and many other projects that we would like to carry on in the reservation.

It is true that a good many of our boys have served in the Second World War and it is true that they all knew that they were fighting for so-called democracy, and they are very patriotic people, and I know that a good many of them did not come back to the United States. Then after serving for so many years in foreign countries they have come back to their own respective reservations, right after the war, and they were not treated like the non-Indians were treated. It made us feel very, very unhappy for the Indian people in the

United States, but since that discrimination has been brought out in the State of Arizona, you will find very small traces of that here.

We are very proud to be able to take part in the civilian life of our country. We feel that if we are given a chance, we can do just like anyone else can in the way of education and in the way of the white man's culture. We feel that if we get a chance, we can do likewise.

On the reservation we have in the past 6 or 8 months been trying to negotiate with the Indian Office in Washington on uranium prospecting on the reservation, but it has been delayed, and it has made many of our projects on the reservation a very slow process. I don't know why it takes about 6 months to get a letter from the Indian Office in Washington, but it does.

You asked for something back there and they kick it around and throw it around and they forget all about it, and they either throw it away in the wastebasket, or someone else is sitting on it somewhere.

Finally we decided to put the pressure on Senator Goldwater and Senator Hayden. They have dug these things out of the wastebaskets, or wherever they found them, and finally they made them come through, so now we will be able to enjoy the income from our uranium deposits, or from the prospecting, when it gets started. We are just now in the process of developing uranium on our reservation.

First of all, I would like to talk about adult education——

Senator LANGER. Would you mind, just before you get into that? The reporter is very tired, and we will take a 10-minute recess.

(Whereupon a brief recess was taken, after which the following proceedings were had:)

Senator LANGER. Go right ahead.

Mr. STEVENS. Senator, I would like to bring out something on adult education, and by that I mean, not taking the old folks and sending them back to school, but merely some sort of an organization could be formed on our reservation where they can teach some of their youngsters how to take care—or rather, teach these adult folk how to take care of their youngsters.

Adult education, I think, would mean a great help in this way: We have different denominations out on the reservation. We have the Assembly of God Church, the Mormons, and also the Lutherans, and the Independent Church and also the Catholics. I thought maybe by organizing the womenfolks, we would be able to get some sort of a community hall where they can carry out their community service among their own young mothers and I think it can be formed this way, in such a way that they may be able to teach their youngsters how to sew, how to cook for the girls and, for the boys, how to do certain things around the house, rather than having them run around late into the nights and the adult should also be educated in such a way as to take care of their homes, especially the men folks, to learn how to hang up screen doors, screen windows, and in such ways, but I believe if we can get some sort of money from some foundation that we might be able to carry this program on, whereas I feel, and the tribal council feels, that we would probably see the difference in the next 5 years.

As it is now, the womenfolks don't have anything to do all day long while the menfolks are at work, and the womenfolks usually gather in front of the tribal stores and other stores in the reservation to watch the men go by. [Laughter.]

It is just vice versa from the white people. The white men watch the womenfolks go by, but with my people, the women watch the men.

Now, I think we can eliminate a lot of schoolchildren from missing school; we don't have too much of that, I am happy to say.

MR. CHUMBRIS. May I ask you a question on that point? Do you enforce the compulsory school laws, compulsory attendance, on your reservation?

MR. STEVENS. In some ways, yes.

MR. CHUMBRIS. That is within your jurisdiction.

MR. STEVENS. Yes, sir.

MR. CHUMBRIS. You say in some ways?

MR. STEVENS. Yes.

MR. CHUMBRIS. Will you please explain that?

MR. STEVENS. Well, we have juvenile officers who are paid by the tribal government. We have a meeting with them periodically and we usually ask them to see that the children are all in school, and if they are not in school, why, if they do it in succession a certain number of times, that their parents would be subject to coming before the tribal court.

In other words, we hold the parents responsible for the children who are not attending school.

I am also happy to say that we have gone this far in many of our projects on the reservation: As of now, our financial condition has been depleted so badly that we would like to have some help from some organizations or from the Federal Government, if at all possible, in order to carry on such programs on the reservation.

After all, education is the most important thing in Indian life. Today the Indian children are now beginning to see the valuations of time, and the valuations of competency and the valuations of money. They are now beginning to wake up to the point that some of us did not realize in our younger days.

Therefore, I feel that it is the responsibility of the parents that they should see to it that their children are properly in school.

MR. CHUMBRIS. I have one other question on your activities on the council. It was brought out at the North Dakota hearings during one of the conferences that we had previous to the hearing itself, one of the members who attended this conference brought out the fact that there is not enough townhall meetings, let us say, of the Indian group, in order to discuss political and social problems in the community. Do you do that on your reservation monthly, or, say, once every 3 months?

MR. STEVENS. No, we do not. But we do hold a monthly council meeting which is open to the public, and we discuss some of our political issues, you might say, and that is one of the things that I was saying just a few moments ago, if we can start an adult education program by gathering the womenfolks and the children together and so forth, it would be very helpful.

Here in the past several years, we had 4-H Club, livestock, and garden 4-H Clubs, but because of money conditions, we had to cut that down. Today we don't have the 4-H Club organization, as much as we would like to have it.

I feel that our Indian children will be the leaders of tomorrow and I feel that they should be in school, properly in school, and I

feel that they are progressing in education, compared to what it was in the last 20 or 30 years ago, that I can remember.

In those days the Government persuaded us to go to school. I remember myself, my grandmother used to hide me. I used to run away until the police went by, and after the police went by, I was called back into camp.

Now, those things don't exist anymore on our reservations. The children are more or less mingling with the white people, the white kids, in our neighboring town, which is really a very happy situation, and gives you a very happy feeling, to see that the children nowadays are taking part in white kids' activities.

We feel, the tribal council feels, that we need assistance in some way for developing projects on the reservation, because before too long we know it is coming that the Federal Government is going to withdraw its supervision. We can see that, and we want to be **able to take our part in the mainstreams of an American citizen's life** when that point comes. We want to be prepared for those days.

But such as it is now, so far as our financial condition is concerned, it is impossible for us to be able to carry on with our projects. We would like to have some roads, some new roads built into our timber area, which is about anywhere from 20 to 40 miles up in the northern part of the reservation.

We have some good standing timber there which the tribe should be getting some revenue from, but because of road conditions, we are unable to get the timber down. Maybe by special legislation from Congress, we hope that some money can be appropriated to such areas where we can develop more of our reservation's resources.

I feel that in the past several years the Government officials have done their part in helping the Indians as much as possible, but they are also limited and we all understand they are limited, and I think that the tribes themselves should try to take some part in this program, because we would like to be like the other people on the outside. We know that termination is coming. We would like to be prepared for such a day when it does come.

Senator, I would like to mention one other thing that bothers me quite a bit, and I am sure that it bothers the rest of the members of our tribal council, and that is this:

We have a substation which is called Bylas, which is 45 miles east of San Carlos. In Bylas, there is very little service, so far as medical service is concerned, in the way of transporting our sick into the main hospital at San Carlos.

Just the other day when I was coming into Phoenix, I saw one of the janitors in our hospital in Globe. I stopped and asked him what he was doing, that I thought he was supposed to have been on the job and he said, "Well, gee, that darn ambulance that we got down at San Carlos is broken down again; it is always breaking down, and it is not in good running order, and I think the Government should see to it that we get a new ambulance, because a lot of times, in fact, every week it makes a trip to Phoenix to bring some of the sick and blind back."

Now, we think that Bylas should have some sort of an ambulance so that they can transport their sick into their main hospital at San Carlos—and I would not exactly call it a hospital, but I would say it is sort of a dispensary. We don't have the facilities, of course. You

might know that all of the Government hospitals, or the Indian hospitals, rather, don't have the facilities that they should have. Now, so much for that.

I don't know whether I have any more to say, but I will say, Senator, that we do need to go on ahead with our projects, but we must have some help from the Federal Government. We need help in order to be able to stand on our own feet when the time does come for this termination bill that has been in Washington several times, and I don't know, the people in the San Carlos reservation are not quite ready for many of those things.

For instance, like Public Law 280: Public Law 280 is something that the Apache people strongly oppose, they strongly oppose such legislation in Washington, because there are many old people in San Carlos that do not speak English, they speak nothing but the Apache language. Very few of the Apache people speak English, and very few of the older people speak English. Therefore, I feel that it would be disastrous if such a law should ever become effective on the Indian reservation, although I also know that the State, or I don't think the State is quite ready to shoulder such a responsibility because of the money situation, as you have all heard this morning and this afternoon: it was testified to here to that effect, and I feel that it should be on an optional basis for the reservation, it should be brought to the attention of the people, and it should have the consent of the people, and not just consultation.

Many of them would say, "I have consulted with the Indians." I don't believe that that would be fair; I think that the word "consent" should be used when such legislation is enacted on the various reservations.

Our good friend, Senator Goldwater, and our good friend, Senator Hayden, have been working with us very strong since we have become voters of the State, although we were considered, I mean, we considered ourselves as American Indians and originally this land was ours, but it was taken away from us, and now that we are crying for some of the lands that have been taken away, I feel that the Federal Government is indebted to the American Indians in the United States.

As you all know, the Indians have shouldered rifles, and they have died on the battlefields, and I think it is unfair that we should be cast aside from all of these privileges, and I feel that until the Federal Government has done its part, so that we can say, "We have won your respectability, now you can take us over."

But as of now, I don't feel that we should be told of this termination bill and so forth.

Many years ago, the white men used to shoot us and ambush us with bullets. Today they use beautiful words, "termination," and all that sort of stuff. Now, it is very unfair where the Indians are not able to take care of themselves on their respective reservations, especially in New Mexico and Arizona.

Senator, I have to my right, Mr. Paul Anderson, and he is a former trial judge on the reservation and he is now on the welfare committee from the Bylas District. Next to Mr. Anderson is Mr. Brittongody, who is also on welfare on the reservation. Our money on the reservation has been depleted so far as welfare is concerned. Years ago when cattle prices were high, we made good incomes, but when cattle prices

went down, and because of the drought we have had in the last 2 or 3 years, our money has dwindled to where we cannot support our own old people who are not eligible under State aid. We have right now, or at least we have been paying out, up until the last 2 months, anywhere from \$3,000 to \$4,000 a month out of the tribal funds for people that needed aid. We have to cut our funds down to about \$1,500 a month, from \$3,000 to \$4,000, down to \$1,500 a month in the last 2 months, because we don't have the money we used to have years ago when cattle prices were high.

But we are in hopes that uranium, when it does come in, we have a fine spot on the reservation now, and we are now negotiating, or, rather, we are now in the process of issuing temporary permits for 30 days on the reservation, and after that, I hope we will be able to receive enough bidders so that we can make some bonuses from our reservation.

I notice that it was brought out that the minimum must be \$25,000. I would say that we would be very lucky if we could get \$10,000. But there is uranium on the reservation and that has been indicated to the Stanford research report, which you will see. We have other minerals such as copper and so forth, asbestos, and we have a rich reservation, but we don't have enough money to do as much as we would like to do on it.

Senator, I don't like to take up too much time, as we have 2 or 3 other men who would probably like to testify on some of their parts, and I think Mr. Clarence Wesley should talk next.

I thank you, Senator, and I thank you, Mr. Chumbris.

Senator LANGER. Thank you for a very fine statement.

Mr. CHUMBRIS. Yes; it was a very excellent statement.

TESTIMONY OF CLARENCE WESLEY, SECRETARY, TRIBAL COUNCIL, SAN CARLOS APACHE RESERVATION

Mr. WESLEY. Senator, I haven't got too much to add to what Mr. Stevens has said. We need money, that is for sure. I just wonder what Senator Langer has done to oppose all the money that is being sent abroad. I realize the fact that he is only 1 out of 96, and if he is sincere and opposed to the money being sent abroad, we all know that there is justification behind it, and I have doubts of whether this hearing will materialize.

I would like to add on the law-and-order situation on the reservation: It is true that since 1924, Indians were considered as citizens of this country. We got the franchise to vote in 1948. We got the right to vote. Now, Indian people are admitted to public assistance. Now, they have the privilege to drink, just like anyone else. And I believe that these privileges go along with responsibility.

I do not mean to advocate the application of Public Law 280 on the reservation, and I am speaking now of the San Carlos Reservation. Of course, different tribes have different views on this thing. But somehow, perhaps it can be arranged, like they are doing with education, and like they are doing with, I believe, the Extension Service. I am not quite sure, for why wouldn't it be possible for the Federal Government to appropriate so much money to the States so that proper law and order can be carried on, on the reservation? I want

to point out that I don't know whether it is possible or not, but I am just throwing out my humble suggestions.

Mr. CHUMBRIS. Mr. Wesley, while you are on this particular point, perhaps we can give you an answer as to your question. At a hearing we had in Washington March 11, in which we had the Secretary of Interior and Commissioner of Indian Affairs, and his top level staff, as well as two gentlemen from North Dakota, and the question of insufficient funds for law and order was brought up at the suggestion of Senator Langer, Senator O'Mahoney, and Senator Kefauver, a meeting was arranged and we went before the subcommittee on appropriations, headed by Senator Hayden, and the gentleman from North Dakota went with the Indian Bureau and the Senators and presented exactly the same point you are presenting now to the appropriations committee, pointing out that they are getting only 20 percent of what they asked for of the Congress and of the Budget Bureau.

It seems like the Budget Bureau is one that has repeatedly cut down the request of the Indian Bureau from \$1,400,000 requested to about \$435,000.

Now, I think that the action of our subcommittee, plus the action of the subcommittee on appropriations, to do something about this problem, might bring about some results.

I thought I would bring that out, since you have been vitally interested in it, as to why we cannot get more money for appropriations for law and order.

Mr. WESLEY. Thank you.

In due time we are going to prepare a long-range program, with the hopes that Congress can appropriate money subjugating more lands and developing other potentials on our reservation. I know that the only way that we can convince Congress, perhaps, is by coming out with some program to present to Congress.

I would like to say that the Indians here in the State of Arizona are very interested in their problems, such as health, education, law and order, adult education, and so on and so forth.

Through the generosity of some foundation grants, the National Council of American Indians, or, rather, the National Congress of American Indians, and the Arizona Intertribal Council has sponsored an institute early in April. You will find in this document some of the actions that were taken by the Indian tribal councils and some of the recommendations that they would like to pass on to your subcommittee.

We talk about the inefficiency of the central office in Washington. I suggest that we move area people to Washington and bring those Washington people to the field.

Thank you.

Mr. CHUMBRIS. Does that complete the testimony of your group?

Mr. STEVENS. Would you gentlemen like to state something?

Mr. Anderson?

TESTIMONY OF PAUL ANDERSON, SAN CARLOS APACHE RESERVATION

Mr. ANDERSON. Yes, I might say a few words. Nearly everything has been covered by Mr. Wesley, Mr. Stevens, and Mr. Dodge.

However, I want to ask, Mr. Senator, are there any more Congressmen or Senators who would like to decide to take the occasion to come down here and spend some time with the Indians and then they will know for themselves for sure just what we need, and just who the Indians are today.

The Indians are begging for help right in your presence. I wonder if this is going to be effective at the National Capitol. I think only if we could educate all of the Congressmen and Senators, that then our Indian problems would be solved. If we could get them all to understand and get them all to come out here and spend some time with us and find out for themselves just who the Indians are, that that would help the situation quite a bit.

Thank you.

Senator LANGER. You will be interested to know that I spent a week with the Navahos, 4 or 5 weeks ago, the area officer took me all over, and I spent a lot of time with some tribes. I saw a lot of it. I spent weeks and weeks with different tribes in North Dakota. They know me as well as their own father out there. I think out there I could run on almost any kind of a ticket and get the votes of these Indians out there.

I have been in to visit one tribe after another, and I am not on the Indian committee, I am on other committees. Manifestly, all of the Senators cannot leave Washington, so we have to rely upon the Indian committee, the Committee on Insular Affairs. You have got very, very good men on there, Senator O'Mahoney, Senator Watkins, of Utah, are good men. As a matter of fact, the average Senator on one of those committees is vitally interested in the welfare of the country. You get the different viewpoints, you get the viewpoint of the Senator from the East which is entirely different from a Senator from the West. You take reclamation, for example, it is hard tactics to sell to the Senators back East. They want to know why we want a billion dollars for a dam out here. They want to know why we want appropriations for REA, and why we want rural telephones. It is a terrific job to sell them.

Then after you get through with the Senate, you have to go to the House and when you go to the House, you run up against the proposition like in New York State where they have 45 Congressmen to 2 in North Dakota, so you can understand how difficult it is with all these appropriations and revenue measures in what we call the lower House, how hard it is for men like Senators Barry M. Goldwater and Carl Hayden and Senators Clinton Anderson and Dennis Chavez, of New Mexico, and some of the rest of us, if we want to help, how difficult it is when you have to take what you get from the House and only amend it to get the things we feel the Indians really are entitled to.

My friend asked me a question how about how much foreign aid I voted for.

Well, I want to tell him that I did not vote for a single dollar. I voted for UNRA, to feed the hungry and clothe the naked, \$2,100 million, which was spent by Governor Lehman, of New York, when he was appointed by President Franklin Delano Roosevelt, and I never regretted that vote. That was unanimous.

But I voted against every other loan that has come up.

You take, for example, Canada has never donated a dollar. Every dollar they have ever gotten from Canada, Canada has gotten a note,

and sometime in the dim and distant future, they are obligated to pay that money back to Canada. We made no such arrangements in the United States. This money that has gone out from the United States has been in the nature of a giveaway program, loans that were never expected to be paid. We give away so much money that, for example, Sweden refused to take \$20 million; they sent it back, they didn't want it.

You take these loans that we send over there. There was a provision made as to how the money should be spent. We sent several million dollars to Italy, and right in the Italian Parliament you have members of the Communist Party. Manifestly that is the height of foolishness. When the Parliament in Italy takes our money and all we ever get is a receipt saying that they received the money, it is simply ridiculous.

So I can take you from one country to the other. I am on the Foreign Relations Committee, and it is a pitiful record so far as the American taxpayer is concerned, we have put up billions and billions of dollars. If we had taken one-tenth of the money that we squandered that way and would have given it away and made loans—we just took those billions of dollars and gave it away, and made loans that will never be returned, like the \$12 billion we gave to Russia—now if we were to take that money and take care of the Indian people, you would be in paradise.

MR. CHAMBERLAIN. I wanted to add one other thing, and that is that in order to assure that the appropriations would get some action, at your suggestion, and at the suggestion of Senator O'Mahoney, we would take the entire record before the Senate Appropriations Committee, and take it over before the Appropriations Committee of the House and you and Senator O'Mahoney said you would go personally and present the case before the House committee, so that the House would be well versed on why we need more money for appropriations for expenditures for law and order.

SENATOR LANGER. It isn't only that, but Glenn Emmons of New Mexico promises to go over with us. For the first time we feel that we have an Indian Commissioner who will go down the lines fighting with us. We never had one before, since I have been in the Senate and I have been in the Senate for 15 years.

MR. WESLEY. Senator, we appreciate your sympathetic feelings toward the Indian people. However, how are the other Senators in the United States going to be convinced on this very thing that we are discussing today?

SENATOR LANGER. I don't know how you are going to convince them. Your job is to convince the Congress, the lower House, 435 men in that lower House, and I want to repeat, that you have got the majority of those Congressmen coming from the East, 45 Congressmen from New York State alone. Why, that is as many Congressmen as Wisconsin and Minnesota and North and South Dakota and Idaho and Montana have all put together. Just from that one State.

Now, you see the difficulty that Mr. Emmons is up against in getting this appropriation.

MR. EMMONS may be the most sincere man in the world and fight and fight and fight for the Indians, but his job is to convince some of these Congressmen from the East. So you can see what a difficult job that is.

Mr. WESLEY. Well, they need education. I think somebody should make it possible that the Indians themselves could conduct a tour making speeches and getting publicity in order to educate the people on the east side of the Mississippi River.

Senator LANGER. Well, now, we have done that, too. We have sent out from my State a bunch of Indians to Washington. They went from one Congressman's office to the other and from one Senator's office to the other. But you know, it is a difficult job, when you have 435 Congressmen and you want to educate them on the needs of the Indians, it is a difficult job to make them see it.

Then you have got another proposition. I was on the Indian Commission for 2 years, when I first came to the Senate, and it is hard to get a quorum of your Senators. They are all on different committees.

For instance, I am on the Judiciary Committee, as well as on Foreign Relations, and Post Office and Civil Service Committees. You have a multitude of duties, and I might say that the men on the Indian Affairs Committee and the Insular Affairs Committee are good men, let me tell you, you may think you work hard, but I have seen Senator Hayden get to his office at 7 o'clock in the morning, and I have seen him come out of his office at 11 o'clock at night. These are things that I see personally, so you can pretty well guess what happens.

We have had two wars since Mr. Hayden has been down to Washington, and when a war comes on, our entire interest is devoted to serving our country. Do you follow me on that? Indian problems, reclamation problems, REA problems, antitrust problems, all sink into insignificance, because the job is to save America and win the war.

You take a war like World War II, and it takes up an enormous amount of time. There are a multitude of problems that come up that are almost unbelievable, and they could not be believed by a person unless he is actually a member of the committee.

Carl Hayden works Saturdays in his office and I have found him there many, many times. I have gotten up Sunday afternoons to check over my mail and I find Carl Hayden is getting into his car or getting out of it. Your Senator is one of the hardest working Senators in Washington.

I have not seen so much of Senator Goldwater, because he is in a different part of the Senate Building, his office is not near mine, but I do know that he is regular in attendance, you will find his voting record down there, and I don't think he has missed a vote. He is there when the votes are taken.

In addition to that, Senator Goldwater is chairman of the Senate Finance Committee, and he is invited to California, the State of Washington, and one State after another, because he is honored by that invitation, and he of necessity has to go all over the United States of America.

Now, that helps you people, because if Senator Goldwater puts in a bill for the Indians he is in a shape to go to the other Senators and say, "I helped elect you, I came out to Wisconsin, or I went out to Illinois, or to some other State, and I helped to elect you."

So he is very fast becoming a very, very influential Senator in Washington.

You Indians cannot have any possible complaint on the way Senators Hayden, Chavez, or Clinton Anderson have helped you. If all of the

Senators understood the Indian problem as well as they understand it, you would be sitting in clover. All you have to do is to read the Congressional Record. Your tribe can get the record any time you want it. I will send it to you, or Senators Chavez or Anderson will, and all you have to do is to follow the proceedings day after day after day, and you will find in there that the 4 Senators I have named have been 4 as good friends of the Indian people as exist in the entire Nation.

MR. WESLEY. They should be doing a lot of good, because during their campaign they made a lot of promises.

Senator LANGER. Well, we will take those promises. I have made a lot of them, and I have tried to keep them. But 1 man cannot make 95 other men vote the way he votes. But I will wager if you will look up the records of Senator Hayden, Senator Goldwater, Senator Chavez, and Senator Anderson, that you cannot find where they have broke many promises they made to the Indians.

Many, many times we vote a hopeless minority. I could give you illustration after illustration of it. Sometimes a Senator votes all alone, 95 to 1.

I remember on foreign-trade matters, where Senator Millikin of Colorado voted all alone, 95 to 1.

All you can do is to vote your convictions. There is one thing that United States Senators like, and that is to have the American people follow the votes of their Senators. In my State they do that. In my State, whenever my colleague and I vote, the daily newspapers carry it. If I vote on a certain matter, the paper states, "Here is how the two North Dakota Senators voted."

And they also always carry how the Congressmen voted.

And if you go to the daily newspapers in Arizona and New Mexico and look up the votes of the 4 Senators I have mentioned, you won't find 1 vote, in 15 years that I have been in the Senate, where Senators Chavez or Carl Hayden have not voted in behalf of the Indians of this country.

The other two men came there more recently, but during the time they have been there I have never seen or heard Senator Goldwater or Senator Anderson vote against Indians or the common people of this country.

As a matter of fact, you have four good progressive men who devote a lot of time to the interests of the common people of America.

I am a Republican, and Chavez, Clinton Anderson and Mr. Hayden are Democrats, but nevertheless you will find when you go down there and investigate that they have got a very fine record for the Indians.

Reverend CRUMB. Senator—

MR. STEVENS. Mr. Brittongody, would you like to say something to the Senator?

MR. BRITTONGODY. Yes, sir. Thank you.

Senator, ladies and gentlemen, I would like to say a few things regarding what the others brought out already. I would like to say something about this welfare among our local reservation there of the ADC.

One thing is the lack of schooling for these children, those are the children that are going to Government schools, as well as mission schools; they lack in clothing as well as their folks at home, and here

the proposition is that at home their folks, they didn't have anything that they have any income from in order to support their children that go to school in the Government schools.

Of course, in the summertime the dependent children who apply for ADC, they put in an application so that they can have assistance.

For example, I would like to tell you about a family, about Setondo and his wife. Setondo is not able to work, he is not healthy, and he is not able to work, and he had a boy who went to school in Phoenix, and during the summertime they got assistance for the boy. But as soon as school started they cut him off. Well, the boy needed clothing during school as well as in the summertime. I don't see why the State welfare board cut them off.

If they only apply for the children, they should keep it on.

So this is the thing that I don't quite understand. Not only is it. Setondo, but there are some other cases, too, just like that, the same as the Setondo family. I know there are 3 girls and some 2 boys that are out at mission school, and the families have come to the reservation office and have asked for help, and they said that the State welfare cut them off because the children went back to school.

I would just like to know if the subcommittee can do anything about it, so that they can still apply for assistance while they are in school.

So this is all I can say for these people, this is the main thing, the lack of schooling, and the lack of clothing in going to school. If they don't get any clothing, like these families that didn't have any income, or who were unable to work, there is nothing that can be done.

Of course, this Setondo is not a workingman, he has been in poor health all of his life, and we have been asking for general assistance so that he can apply for general assistance, but on account of lack of money in the State welfare board he is not getting it now.

I hope he will get it later on.

Thank you.

MR. CHUMBRIS. Is the representative of the State welfare board here?

Mr. Warrington was here, and he stated that one of his associates would be with us until the end of the evening.

Mr. Haverland, can you answer this particular question that was presented?

MR. HAVERLAND. I believe I can. It is true that a family that is receiving the categorical assistance under ADC does not continue to receive this assistance when the children go to a boarding school.

It is also true that the child, while in the boarding school, does continue to receive a very limited amount of money for the same reason that he gets ADC when at home. I think the real problem involved here is a matter of general assistance, for which the families would have to qualify during the period of time when the children are at the boarding school.

Our facilities in the Bureau has not permitted us to operate a general-assistance program on the reservation at San Carlos, and, as Mr. Brittongody said, the State department hasn't had the funds with which to make provisions during the school year.

MR. STEVENS. Senator, I might say something on that.

SENATOR LANGER. Go right ahead.

MR. STEVENS. There is a problem, when the child goes to school, like in Phoenix, when their parents have no income they are really in such a way that the child is more or less embarrassed in front of the other children who can afford good clothing, whereas some of these children come from indigent families, and it more or less kills their incentive for education, you might say, by being embarrassed, because they do not have the clothing they should have. They write us and they write to the tribal council, and they ask us for a little help.

Sometimes we are able to send them a few dollars, and other times we are unable to do it. So really it is a sad situation, and if it can be solved so that these children can take more interest in schools, because of their lack of clothing they do feel embarrassed in front of the other children, they do not do so well.

Senator, there is one other thing that you might be happy to know, and that is that Mr. Wesley and myself are leaving for Washington a week from this coming Sunday. I am sure that our good friends back in Washington, Senators Goldwater, Hayden, and Udall, will be happy to see us. They have been wonderful people, so far as the Indians are concerned. I am speaking for the Apache people, because the Apache people feel that they have one of the greatest friends that they ever had from this State as their representative, and I hope that sometime, through our adult educational program, that we can teach our older people how to take and evaluate the franchises that we now have of voting and if we can only teach our older people and many others of our younger people who are eligible to vote, that they should do so, that would be fine.

I hope some day that we will get to the point where we can almost shake our fists right in front of our representative, and he cannot help but do what we want him to do, because I feel that we can almost dominate the Congressmen from a large percentage of the voters where they come from.

And I do feel that Senator Goldwater has been a wonderful friend to the Indians, and I hope when the Indians are all able to vote that we will be able to keep him in office for many, many years to come.

The same thing goes for Senator Hayden, Udall, and Johnny Rhodes.

I thank you very much.

MR. CHUMBRIS. We will now call upon Mr. Lester Oliver, Mr. John Crow and Lonnie Harden of the Fort Apache Indian Reservation.

TESTIMONY OF JOHN O. CROW, SUPERINTENDENT, FORT APACHE INDIAN RESERVATION, WHITE RIVER, ARIZ.

MR. CHUMBRIS. Mr. Crow, will you state your full name, and your address, and your official capacity for the record; and also introduce the gentlemen with you.

MR. CROW. Yes, sir; my name is John Crow, and I am Superintendent of the Fort Apache Indian Agency. My address is White River, Ariz.

Senator LANGER. Is that near Tucson?

MR. CROW. No, sir; it is in the northern part of the State, about 85 miles south of Holbrook.

Senator LANGER. Are we going to have those Indians from Tucson? I want to hear them.

Mr. CHUMBRIS. Yes, sir; they will be the next group.

Mr. Crow. Immediately on my right is Lester Oliver, the chairman of the Tribal Council of the White Mountain Apache Tribe.

Next to him is Frank Walker, a member of that council.

And on the extreme right is Philip Cosson, the chief judge of the White Mountain Apache Tribe.

Now, on my left is Mr. Lonnie Hardin, the reservation principal for the Fort Apache Agency.

Gentlemen, with your permission I would like to read very briefly from the introduction to our written report, and then leave that report with you, and give what time remains to the members of the tribe, and for any questions you may want to ask of any of us.

Mr. CHUMBRIS. All right.

Mr. Crow. This agency has jurisdiction over the Fort Apache Indian Reservation located in Navajo, Apache, and Gila Counties, containing approximately 1,600,000 acres.

The Indian population is approximately 3,800.

The principal reservation industries are cattle raising and timber harvesting.

The White Mountain Apache Tribe is organized under the act of June 18, 1934, as amended. Under its constitution, approved August 26, 1938, the tribe has adopted its own code of offenses and bears the entire cost of its enforcement.

The court consists of 1 chief judge and 2 associate judges, all of whom serve 3-year terms under appointment by the tribal council.

The tribe employs 1 special officer, and from 10 to 15 police, a court clerk and jailer, and operates 5 automobiles.

The expenditure of tribal funds for the above approximates \$60,000 per year.

No welfare personnel is stationed at the agency. Relief is handled by a committee of the tribal council working in conjunction with the county worker. Eligible members of the tribe participate in the categories of social security, old age assistance, aid to the blind, and aid to dependent children, under the Federal-State program.

General relief is met from tribal funds. No gratuitous Indian Service funds are expended for welfare purposes.

The tribal council is now working closely with the State security and employment service, who have recently employed a member of the tribe in the capacity of interviewer-interpreter.

Permanent relocations have, up to now, been unsuccessful with this group.

With that very brief statement as a background, I would like to again introduce to you our tribal council chairman.

I would like to say also, as a matter of information, that Mr. Oliver, to my knowledge, is the only member of our tribe who has obtained a college education, 4 years of college. He has done that at a later age in life than a lot of people have had their college education.

He was assisted by his rights under the veterans' bill.

Senator LANGER. What college did he go to?

Mr. Crow. He graduated last year from Arizona State College at Flagstaff. In addition to that, Mr. Oliver was recently appointed as a member of the Governor's Commission on Indian Affairs, and is now serving in that capacity. He has done a very considerable amount of

excellent and effective work in the field of public relations between the tribe and their neighbors, and in his quiet and unassuming way he has made many friends for the tribe.

I would like to give what time remains to him in order to tell you anything that he might have on his mind.

Mr. CHUMBRAS. Yes. We would like to have that report submitted for the record.

Senator LANGER. It will be received.

(The document referred to, attached to letter dated April 26, 1955, was marked "Exhibit No. 11," and is as follows:)

EXHIBIT No. 11

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
FIELD SERVICE,
FORT APACHE AGENCY,
Whiteriver, Ariz., April 26, 1955.

HON. ESTES KEFAUVER,

Chairman, Senate Subcommittee to Investigate Juvenile Delinquency.

DEAR SIR: The information contained herein and in the attached is submitted in response to your letter of March 23 addressed to area directors and superintendents.

This agency has jurisdiction over the Fort Apache Indian Reservation, located in Navajo, Apache, and Gila Counties and containing approximately 1,600,000 acres. The Indian population is approximately 3,800. The principal reservation industries are cattle raising and timber harvesting.

LAW AND ORDER

The White Mountain Apache Tribe is organized under the act of June 18, 1934, as amended. Under its constitution approved August 26, 1938, the tribe has adopted its own Code of Offenses and bears the entire cost of its enforcement. The court consists of 1 chief judge and 2 associate judges, all of whom serve 3-year terms under appointment by the tribal council. The tribe employs 1 special officer, and from 10 to 15 policemen, a court clerk, and a jailer and operates 5 automobiles. The expenditure of tribal funds for the above approximate \$60,000 per year.

WELFARE

No welfare personnel is stationed at the agency. Relief is handled by a committee of the tribal council working in conjunction with the county worker. Eligible members of the tribe participate in the categories of social security, old-age assistance, aid to the blind and aid to dependent children under the Federal-State program. General relief is met from tribal funds. No gratuity Indian Service funds are expended for welfare purposes.

RELOCATION AND EMPLOYMENT

The tribal council is now working closely with the State security and employment service who have recently employed a member of the tribe in the capacity of interviewer-interpreter. Permanent relocations have, up to now, been unsuccessful with this group.

Attached in memorandum form are reports on juvenile statistics and the educational program on this reservation prepared by the reservation principal. Also attached is a report from the medical officer covering the year ending June 30, 1954.

If this office can be of any further assistance to the committee, we shall be happy to do so upon advice from you.

Very respectfully yours,

JOHN O. CROW, *Superintendent.*

APRIL 26, 1955.

Office memorandum.

To: John O. Crow, superintendent.

From: Lonnie Hardin, reservation principal.

Subject: juvenile delinquency on the Fort Apache Reservation for periods of July 1, 1953, to June 30, 1954, and July 1, 1954, to April 23, 1955.

"Juvenile," as used in this report, refers to individuals under the age of 18 years. This age limit was used because chapter IV, section 4, of the White Mountain Apache Law and Order Code provides as follows:

Juvenile delinquency.—Whenever an Indian under the age of 18 years is accused of committing one of the offenses enumerated in the code of the White Mountain Apache Tribe, the court may in its discretion hear and determine the case in private and in an informal manner, and, if the accused is found guilty, may in lieu of sentence, place such delinquent under the supervision of a responsible person selected by the court for a designated period, or may take such other action as may be advisable in the circumstances."

During the period from July 1, 1953, to June 30, 1954, there were 86 individuals before the tribal court involving juveniles who are members of the White Mountain Apache Tribe, and on whom judgments were rendered. Of the 86 individuals involved, there were 40 males and 46 females, with an age range from 13 to 17, both inclusive. The distribution by age groups was as follows:

Age group:	<i>Number of individuals</i>
13.....	6
14.....	9
15.....	8
16.....	20
17.....	43
Total	86

The 86 individuals were charged with 140 violations as follows:

Name of offense	Section violated	Number of violations
Abduction.....	1	1
Assault (simple).....	3	8
Assault and battery.....	4	23
Contributing to the delinquency of a minor.....	10	2
Disobeying lawful order of the court.....	14	1
Disorderly conduct.....	16	57
Escape.....	18	3
Fornication.....	23	13
Giving venereal disease to another.....	27	1
Injury to public or private property.....	29	8
Liquor violation.....	31	12
Misbranding.....	34	1
Minor operating a motor vehicle.....	35	1
Resisting lawful arrest.....	42	2
Theft.....	43	5
Slander.....	46	2
Total.....		140

The fact that on some complaints the individual was charged with violation of as many as 4 sections accounts for 140 violations but only 86 individuals involved. The 86 individuals made 100 appearances before the court, in which 100 judgments were rendered:

Appeared 1 time.....	78
Appeared 2 times.....	5
Appeared 3 times.....	1
Appeared 4 times.....	1
Appeared 5 times.....	1

The following disposition was made of the 100 judgments rendered:

Suspended sentence.....	25
Paid fine.....	20
Paroled.....	23
Served sentence in jail.....	24
Served sentence on daily report.....	2
Released to parents.....	3
Released to school.....	3
Total.....	100

For the period from July 1, 1953, to June 30, 1954, there are no cases that I know of involving juveniles from this reservation in State court.

In Federal court there was 1 charge of rape in which the individual was placed on probation for 3 years, 1 charge of burglary placed on probation for 3 years, and 1 charge of assault with a deadly weapon, received 3 years, served part of sentence and was paroled.

For the period from July 1, 1954, to April 23, 1955, there were 58 juveniles from the White Mountain Apache Tribe who made 70 appearances before the tribal court in which judgments were rendered.

LONNIE HARDIN,
Reservation Principal.

FORT APACHE AGENCY

EDUCATION

School attendance

Chapter V, section 21 of the Law and Order Code of the White Mountain Apache Tribe of Arizona provides as follows:

"Failure to send children to school.—Any Indian who shall, without good cause, neglect to refuse to send his children or any children under his care to school shall be deemed guilty of an offense and upon conviction thereof, shall be sentenced to labor imprisonment for a period not to exceed 5 days, or a fine of not to exceed \$5 for the first offense, or both such imprisonment and fine with cost, and the court may double the first sentence for such additional offense."

An educational approach is used in effecting school attendance. Either teachers, principals, bus drivers or other school employees visit all homes where there are attendance problems. The court is used as a last resort. It is seldom necessary to take court action. The schools also sponsor special programs and days to create interest in school, such as Beginner's Day, Open House, and programs for special days.

The White Mountain Apache court interprets "children" of the above section to mean any individual between the ages of 6 and 18.

The act of February 15, 1929 (45 Stat. 1185) was amended August 9, 1946 (60 Stat. 962, 25 U. S. C., sec. 231) permits the enforcement of penalties of State compulsory attendance laws against Indian parents of any tribe not having a duly constituted governing body whose children are attending either Federal or State schools. Where a constituted governing body exists, it must consent to the application of State laws to the members of the tribe residing on the reservation. The White Mountain Apache Tribal Council has not given this consent.

Percent of attendance as reported on annual school report, May 1954

Theodore Roosevelt School:	Percent
Boarding students.....	99.3
Day students.....	91.5
Whiteriver Day School.....	91.01
Cibecue Day School.....	98.8
Cedar Creek Day School.....	97.3

The first school on the Fort Apache Reservation was opened in 1892, at Fort Apache. A vacant soldier's barracks near the center of the garrison served as a school building. About 30 Indian children were enrolled during the first school term.

Criteria for admission

Children admitted to boarding schools must meet one or more of the following criteria:

- A. The child is dependent, coming from a broken home in which:
- (1) One or both of the parents are dead.
 - (2) One or both of the parents are in a hospital for an indefinite period of time.
 - (3) The parents are divorced, or one has deserted, and there is no adequate home maintained.
 - (4) One or more of the parents are in jail and the home is broken.
 - (5) Uncontrollable alcoholism, vice, or criminal tendencies exist in the home.
- Before a child coming within one or more of the above categories, shall be admitted to a Federal Indian boarding school, certification that no suitable boarding-home-care arrangement is available shall be made by the welfare worker.
- B. The family home is in a remote area not served by either a public or Federal school.
- C. The child is a high school student desiring specific vocational training which cannot be obtained in a local public high school.
- D. Because of local or home conditions which cannot be controlled, the child has shown delinquent tendencies, has been before the juvenile court, or has been faced with confinement in a corrective institution; although there is evidence that a suitable institutional environment bring about an effective correction.

Curriculum

In the various elementary schools the Bureau course of study is followed, supplemented by the Arizona State course of study wherever practical. The Theodore Roosevelt High School is not accredited by the State, but offers the general academic courses required by the State of Arizona. In addition vocational subjects in home economics and agriculture are offered to all students in grades 7 through 12. Arts and crafts work is offered through school clubs.

School census of Indian children of the Fort Apache Agency for school year 1953-54

Total number of children (age 6-18)-----	1, 135
Number in all schools (ages 6-18) :	
Public schools-----	189
Federal schools:	
Nonreservation boarding-----	6
Reservation boarding-----	142
Day schools-----	449
Sanatoria -----	9
Total in Federal schools-----	606
Mission schools:	
Day-----	185
Boarding-----	45
Total in mission schools-----	230
Special schools-----	7
Total number in school (age 6-18)-----	1, 032
Number not in school:	
Married, physically unfit, without valid reason, reason unknown-----	77
Information not available-----	26
Total number in school under age of 6 and over 18-----	30

Federal schools, Fort Apache Agency, for Indian children, school year 1953-54

	Kind of school	Grades taught	Number of days school in session	Number of pupils enrolled	Average daily attendance
Fort Apache Agency.....	-----	-----	-----	727	613.3
Cedar Creek.....	Day.....	P. P. to 3...	180	28	24.3
Cibecue.....	do.....	P. P. to 8...	180	131	118.1
Theodore Roosevelt.....	Boarding.....	P. P. to 12...	253	276	1 228.1
Do.....	Day.....	P. P. to 12...	180	74	57.2
Whiteriver.....	do.....	P. P. to 6...	180	218	185.6

¹ Other tribes, 136.

Enrollment by grades in Fort Apache Federal schools, school year 1953-54

	Number of pupils in grades—													Total
	P. P.	1	2	3	4	5	6	7	8	9	10	11	12	
Fort Apache Agency.....	63	109	55	78	89	61	69	75	47	33	24	18	6	727
Cedar Creek.....	4	8	10	6	—	—	—	—	—	—	—	—	—	28
Cibecue.....	9	22	14	17	20	12	17	12	8	—	—	—	—	131
Theodore Roosevelt.....	16	22	7	24	36	24	38	63	39	33	24	18	6	350
Whiteriver.....	34	57	24	31	33	25	14	—	—	—	—	—	—	218

LONNIE, HARDIN,
Reservation Principal.

HEALTH

Hospital activities, fiscal year 1954

Number of beds available.....	55
Number of beds authorized by budget.....	25
Total admissions (excluding newborns).....	562
Total hospital days.....	7,635
Average daily occupancy.....	20.94
Peak occupancy.....	36
Number of days above authorized capacity.....	84
Occupational ratio:	
Highest (during 7 months, March-September 1954).....percent.....	128.4
Lowest (during 7 months, March-September 1954).....do.....	49.2
Fiscal year—average.....do.....	83.87
Average length of stay in hospital, per patient.....days.....	13.5
Total admissions, excluding newborns.....	562
Total discharged.....	544
Discharged against medical advice.....	51
Transferred to Phoenix Medical Center.....	77
Admissions by classification:	
(a) General.....	285
(b) Tuberculosis.....	9
(c) Trachoma.....	2
(d) Syphilis.....	0
(e) Other venereal diseases.....	6
(f) Obstetrical.....	103
(g) Newborn.....	79
(h) Stillborn.....	4
(i) Accidents.....	74
Obstetrical cases admitted for postpartum care.....	7
Obstetrical cases discharged before delivery.....	5
Deaths in the hospital.....	28
Adults.....	9
Under 5 years, but over 1 year.....	1
Under 1 year old.....	17
Tuberculosis deaths in hospital.....	1
Newborn under 1 day old.....	1
Stillbirths.....	4

Outpatient clinic data

	Therapeutic clinics	Number individuals	Number treatments	Average patients per clinic
Hospital.....	283	4,522	6,781	12.4
Field.....	77	551	788	10.2
School.....	188	1,521	3,342	17.7
Total.....	548	6,593	10,991	20.05
Average number patients per day, 29.8.				

	Preventive clinics	Number treatments	Average per clinic
School.....	7	218	31.1
Prenatal.....	12	44	3.6
Well baby.....	15	313	20.8
Immunization.....	21	648	30.8
Other.....	4	72	18.0
Total.....	59	1,295	-----

Field clinics and public health nurses' conferences

WHITERIVER DISTRICT (MRS. LILYAN FURNISS, P. H. N.)

Well baby and preschool (fourth Thursday of each month at hospital) :	
Number of clinics held.....	12
Number attending, fiscal year.....	108
Number attending, first time.....	67
Number of examinations.....	265
Infants.....	75
Preschool.....	33
Maternal welfare, prenatal and postpartum (third Thursday of each month at hospital) :	
Number of clinics held.....	12
Prenatals, individuals.....	26
Revisits.....	10
Postpartum.....	5
Total for fiscal year.....	41

School clinics and conferences

	East Fork Mission	Whiteriver Day	Theodore Roosevelt School	Whiteriver Public
Clinics.....	0	0	30	0
Conferences.....	23	103	31	0
Number attending.....	105	197	193	0
Number of treatments.....	281	2,086	1,030	0

Immunizations

	Smallpox vaccinations	Diphtheria-per-tussis-tetanus	Diphtheria-per-tussis-tetanus boosters
Infants.....	25	22	0
Preschool.....	9	8	1
School.....	35	78	129

CIBECUE-CEDAR CREEK DISTRICT (MRS. MYRTLE BENTON, P. H. N.)

Cibecue General Clinic (Mondays and Thursdays, Cibecue Clinic Bldg.)

Clinics held.....	31
Conferences held.....	82
Individuals treated.....	247
Number of treatments.....	480
Infants attending first time.....	18
Infants, revisits.....	38
Preschool attending first time.....	16
Preschool, revisits.....	23

Immunizations

	Diphtheria, pertussis, tetanus	Smallpox
Infants.....	31	16
Preschool.....	7	3
Cibecue Day and Mission Schools.....	20	29
Cibecue Day and Mission, booster.....	58	-----

Cibecue schools

	Indian Day School	Mission School
Clinics.....	7	2
Conferences.....	111	7
Number of children.....	121	68
Number of treatments.....	781	92

Cedar Creek Clinic (held in building at rear of Cedar Creek School) :

Conferences held.....	15
Individuals treated.....	30
Treatments.....	61

Well-baby and preschool clinic (at rear of school) :

	Well-baby and preschool clinic	Nurses con- ferences	Total
Number of clinics held.....	5	12	17
Number attending, fiscal year.....	83	97	180
Infants:			
1st visits.....	28	20	48
Revisits.....	21	47	68
Preschool:			
1st visits.....	11	7	18
Revisits.....	23	23	46

Immunizations

	Infant and preschool	School	Total
Diphtheria-pertussis-tetanus.....	27	3	30
Diphtheria-pertussis-tetanus boosters.....	18	13	31
Smallpox.....	27	16	43

Cedar Creek School:

Nurses' conferences-----	15
Number children-----	30
Number treatments-----	71

The above figures are far below what would show if dependable transportation were available to the public health nurses all the time and the roads were passable all the time. Many clinics and conferences were canceled due to impassable roads and to lack of transportation for the nurses. Since January 1954 most of the clinics and conferences were possible only by use of borrowed cars and by the transportation of nurses by the physician. This resulted in much lost time for the physician and the nurses in that each often had to await the other either before going into the field or in the field.

Dental activities

The dental officer was unable to go into the field until April 1954, due to lack of usable portable equipment. Children were transported to the dental clinic at Whiteriver. Two months were spent at Bylas and San Carlos inasmuch as the dental officer serves both the Fort Apache Agency and the San Carlos Agency.

It is planned to hold the school dental clinics at the schools as much as possible, except where the schools are within easy reach of the Whiteriver clinic at the hospital.

The following is a résumé of the total amount of dental work done in fiscal year 1954:

Month	Number clinics	Number patient visits	Number treat- ments
July 1953.....	(1)	-----	-----
August 1953.....	20	101	203
September 1953.....	13	1,011	1,011
October 1953.....	18	184	493
November 1953.....	19	156	385
December 1953.....	20	149	355
January 1954.....	19	693	861
February 1954.....	15	149	339
March 1954.....	17	157	260
April 1954.....	15	218	464
May 1954.....	15	204	503
June 1954.....	17	93	118
Total.....	183	3,115	4,992

¹ On annual leave.

Tuberculosis

Tuberculosis is a serious problem here at most reservations. The figures which show known cases are not accurate and do not reflect the actual conditions existing. The problem has gained ground here because it has been impossible to do complete followup on known cases and their contacts. Public health nurses have not been able to get into the homes because of lack of transportation for their home visits and conferences. X-rays have been taken in some of the cases but a complete survey and adequate followup has been impossible because of lack of X-ray technician and the lack of a rapid X-ray unit. One of these units was assigned to this agency in the fall of 1953 but never sent here. Inquiries regarding this unit have failed to locate it.

If we are to put the tuberculosis program on its feet, we must start anew and do a complete X-ray survey of the entire population of this reservation. Here is where the rapid X-ray units save time and money. A complete up-to-date file must be started on every person here with a small plate on file for each person and a set of large plates on file for the known cases of tuberculosis. It is believed that all plates taken by the traveling units should be permanently filed at each reservation so that some comparison can be made in doubtful cases picked up from time to time.

The tuberculosis vaccination program started some years ago has added to the problem in that we can no longer depend entirely upon tuberculin reactions to pick out the probable cases. We have an unknown factor which leaves us with a group of reactors which may contain persons who have been vaccinated against tuberculosis and failed to gain immunity and who have contracted tuberculosis

as a disease. Their reaction then will be positive and must be checked by X-ray to determine if the action is due to vaccination or to actual infection. This fact will increase rather than decrease the number of X-rays which must be taken. In the figures below it will be seen that some 349 children had tuberculosis vaccine in 1949 but that only 143 of this group show a positive test. Until we can X-ray this group of 1943 reactors we will not know how many of these are due to the vaccination and how many are due to a past or present active infection.

With the above facts in mind, the following figures are presented for fiscal year 1954:

Number active cases sent to Phoenix Sanatorium.....	6
Number of active cases in sanatorium from this agency.....	22
Number of active cases discharged against medical advice.....	3
Number of cases discharged as arrested, etc.....	15
Number of deaths from tuberculosis (all kinds).....	3
Number of known cases of tuberculosis at large.....	13

Actual number of active cases at large probably twice that number or more.

Tuberculin tests were run on the children of all the schools on the reservation under the supervision of Dr. Joseph D. Aronson of the Phipps Institute. Tests at Cedar Creek, Cibecue Day School, and Cibecue Mission School were made by Dr. J. N. Knox. The results follow:

[Testing material: Purified protein derivative, PPD]

Race	Number tested	Number reactors	Percent positive	Not tested
Indian.....	910	519	57.0	} 40
White.....	38	20	52.6	

Number tested who have had BCG vaccine, 1949.....	349
Number reactors who have had BCG, 1949.....	143
Positive reactors to infection (no BCG) Indian (519—143 equal 376).....	376
Corrected probable percent Indian have or have had tuberculosis.....	41.4

All positive reactors who have not had BCG vaccine will be checked by chest X-ray as soon as they can be gotten in. Some already have been checked and some had recent plates before the testing.

The above figures are broken down below:

School	Reactors		Total reactors	Total tested	Percent positive
	1st test	2d test			
Whiteriver Day.....	65	37	102	203	50.6
Whiteriver Public.....	9	4	13	43	30.2
Theodore Roosevelt.....	127	84	211	286	73.3
East Fork Mission.....	67	40	107	195	55.5
White.....	1	1	2	6	33.3
Cedar Creek Day.....	5	3	8	24	33.3
Cibecue Day.....	40	15	55	116	47.7
Cibecue Mission.....	15	10	25	49	51.0
Whiteriver (white).....	1	17	18	32	56.2

Recapitulation.—Approximately 41.4 percent of children tested have had or now have tuberculosis.

Enteritis (diarrhea, dysentery, etc.)

Among the infants and preschool children, enteritis is a very important disease. It was responsible for the greatest number of deaths in this group during this fiscal year. Basically, it is due to a combination of factors among which are poor home conditions, unsanitary surroundings, contaminated water supplies, etc. Prevention depends on the raising of hygiene and sanitation standards, better food, and better living conditions in general. Failure to give enough water to victims of enteritis increases the deaths.

Number cases enteritis

[192 treated; more in homes not listed]

Month-year	Cases	Deaths	Month-year	Cases	Deaths
1953—July.....	72	3	1954—January.....	26	1
August.....	14	11	February.....	5	0
September.....	31	3	March.....	0	0
October.....	3	1	April.....	2	0
November.....	4	0	May.....	6	0
December.....	6	2	June.....	47	2

Deaths:

Under 1 year of age.....	20
1 to 5 years.....	3

Total 23

Death rate in percent of known cases, 11.9.

Since there were some 9 deaths in the 0-5-year group from unknown causes and 3 from dehydration and malnutrition, it is probable that the true number of deaths from enteritis is at least 30 and the corrected percentage, 15.6.

Births, total per fiscal year—1954..... 150

Born outside of hospital.....	72
Born in the hospital.....	78

Deaths, total per fiscal year—1954..... 79

Deaths outside of hospital..... 47

Adults.....	17
Under 5 but over 1 year.....	5
Under 1 year.....	23
Stillbirths.....	2

Deaths in the hospital..... 32

Adults.....	9
Under 5 but over 1 year.....	1
Under 1 year.....	17
Newborn under 1 day old.....	1
Stillbirths.....	4

Deaths (79), fiscal year 1954, by months and causes

Causes	July 1953	August 1953	September 1953	October 1953	November 1953	December 1953	January 1954	February 1954	March 1954	April 1954	May 1954	June 1954	Total	Preventable
Accidental:														
Suicide						1						1	2	8
Homicide	1							1					2	
Infant						1		1					2	
Other					1				1				2	
Atelectasis (collapse of lung), infant	1												1	1
Circulatory system (heart, cerebral accident, arteriosclerosis, etc.)	2	1	1	1	2	3			1	1	1	1	14	0
Cancer	1												1	0
Dehydration, infants										1	1		2	2
Enteritis, including dysentery:														
Infants	3	9	2	1		2	1					2	20	23
1-5 years		2	1										3	
Hemorrhage from navel, infant									1				1	1
Malnutrition, infant		1											1	1
Pneumonia, all kinds:														
Infant						1				1			2	13
Other								1					1	
Tuberculosis, all kinds	1						2						3	13
Stillbirths	1				2	1			2				6	5
Other causes (streptococcus throat, intestinal hemorrhage, meningitis):														
Infant										1			1	0
Other							1					1	2	
Unknown:														
Infants				1		1		2	1	1			6	29
1-5 years		1	2										3	
Over 5 years			2	1			1						4	
Total, all causes	10	14	8	4	6	9	5	5	6	5	2	5	79	356
Infants													36	
1-5 years													6	
Over 5 years													31	
Stillbirths													6	

¹ Pneumonia and tuberculosis are doubtfully preventable by long-range measures.

² The deaths under 5 years of age, including infants, were probably due to enteritis or pneumonia and probably all preventable.

³ Including 6 deaths listed as doubtfully preventable.

Commentary on deaths, fiscal year 1954

Under accidental deaths one infant death was due to dropping the child on its head at home and the other was due to asphyxia or suffocation which could have been due to mucous in the throat, collapse of lung, cord about neck, or some other incident accompanying birth. The hemorrhage from the navel and the atelectasis listed separately could properly be carried under accidents and all were preventable if the children had been born in the hospital. Also the dehydration death listed was preventable as this was a child in its first days of life.

One of the stillbirths is not listed as preventable as it was due to one of the rare accidents in obstetrics, a transverse presentation of a second twin. As it was, it was fortunate that this occurred in the hospital as the mother would have died in a home delivery. Even in deliveries in hospitals with every surgical facility the mortality among mothers is high.

One accidental death of an adult was preventable as it was the result of riding a horse while inebriated. The other death of an adult was due to the collapse of a poorly constructed hogan during a heavy rain.

The death from malnutrition was preventable. The family was not too poor to properly feed the child and medical service was available through clinics and the hospital if the parents had desired to use it.

The deaths from enteritis were completely preventable and in some instances due to pure neglect after the children became ill, either failure to get proper medical aid or failure on the part of the parents to carry out the physician's orders. The interference of medicine men, relatives, and neighbors caused many mothers to stop proper medication after it had been started or to fail to give the infants and children sufficient fluids. It is understood that this is preached against by medicine men. Some of these deaths were due to the peculiar toxemia

which affects some cases of uncontrolled enteritis and which causes a mortality of from 50 to 70 percent in spite of everything done for the patient. The cause of this is not known. Most cases treated early do not get this toxemia but once it appears it continues after the diarrhea has been controlled and results in the high mortality. For this reason the earlier we can get hold of a case of enteritis the better for the prognosis for life.

Fortunately there was no mortality from measles or its complications in the fiscal year 1954. Some of this may be ascribed to vigorous preventive treatment of contacts under 3 years of age and the vigorous preventive treatment given cases of measles. Most deaths result from bronchopneumonia with occasional deaths from measles themselves, encephalitis, enteritis, and mastoiditis.

Lack of proper facilities for autopsies and cooperation of the tribal members in permitting autopsies makes our list of unknown deaths high.

The crude death rate is approximately 20.7 per 1,000 population.

If the preventable deaths are discounted, the death rate from what are usually called natural causes would be approximately 7.6 per 1,000. This is not inconsistent with rates throughout the United States.

The conclusion is self-evident: Concentration on health education and preventive measures.

School examinations

No school examinations were done during the first part of school year due to the fact that only one physician new to the Indian Service was on duty. Present senior medical officer reported for duty October 15, 1953. Due to school programs, epidemics and lack of field transportation it was found impossible to do more than the beginners' examinations. In the coming school year, examinations will be done early so as to avoid cancellations due to school events which preclude attendance by children.

Beginners

Defects	Schools					
	White-river Day	Theodore Roosevelt	East Fork Mission	Cibecue Day	Cibecue Mission	Total
Examined.....	38	22	39	15	11	125
Enlarged or diseased tonsils.....	5	3	10	2	0	20
Undescended testes.....	3	1	13	2	1	20
Pediculosis.....	8	0	2	4	1	15
Otitis media.....	1	0	3	5	3	12
Defective vision.....	1	7	0	2	1	10
Conjunctivitis.....	2	0	4	4	0	10
Impacted serumen.....	6	1	2	0	0	9
Malnutrition.....	0	1	2	2	2	7
Enlarged cervical glands.....	3	0	2	0	0	5
Cardiac defects.....	1	0	1	0	0	2
Impetigo.....	0	0	0	2	0	2
Defective hearing.....	0	1	0	0	0	1
Umbilical hernia.....	1	0	0	0	0	1
Total defects.....	31	14	39	23	8	114
Congenital hips (all ages in school).....	11	3	3	9	0	26
Other crippling defects.....	0	0	1	1	0	2

There are some 143 cases of defective vision among the schoolchildren. It was impossible to get refractions done on these children. Some provision should be made to have these children refracted and spectacles provided for them. This could be done by the tribe through its funds, if not through Government agencies. It is impracticable to send these to Phoenix Medical Center as the ophthalmologist there has not the time for them.

Crippled children and adult program

A special clinic for crippled children was held on April 17, 1954, under the direction of the area medical director, L. J. Lull, M. D. The orthoped in attendance was George A. Williamson, M. D., Phoenix, Ariz. As a result of the clinic some 14 crippled children are now under treatment.

Inasmuch as the percentage of congenital dislocated hips among this tribe is the largest known to medical science, a program of anthropological research as to

cause and orthopedic surgery for correction is to be vigorously carried on beginning July 18, 1954. This will be under the supervision of Dr. Lull, the area medical director and the senior medical officer of the Fort Apache Agency. The project staff will consist of:

Dr. Bertram S. Kraus, physical anthropologist, field coordinator
 Dr. John Schwartzmann, orthopedic consultant, Tucson
 Dr. George Williamson, orthopedic consultant, Phoenix
 Dr. Benson Bloom, clinical internist, Tucson
 Mrs. Bonnie Jones, secretary, Tucson
 Mr. Edward Lavor, technician, Tucson Medical Center
 Mr. James Officer, field assistant, Tucson
 Mr. Charles White, field assistant, Tucson

They will be assisted by the senior medical officer, the two public health nurses, the tribal chairman, Mr. Lester Oliver, the district councilmen, and such other health and tribal personnel as may be needed.

The following is the status of the congenital hip cases to date:

Number of known cases:	
Adults-----	57
Children-----	64
Total-----	121
Number examined in clinic Apr. 17, 1954-----	35
Number examined, other clinics-----	4
Number discharged, maximum operative benefit-----	5
Number now under treatment-----	14
Number known cases not under treatment-----	45

The project to be started in July 1954, includes clinics with a view to corrective treatment and it is hoped that a goodly number, if not all, of the congenital hip cases will be under treatment by January 1956.

Mr. CHUMBRIS. You may proceed.

Mr. Crow. Go ahead, Mr. Oliver.

TESTIMONY OF LESTER OLIVER, CHAIRMAN, TRIBAL COUNCIL, FORT APACHE RESERVATION

Mr. OLIVER. I don't know whether Mr. Crow has been looking in my notes or not, but he has already covered most of what I had in my mind.

I would like to say this, that the Apache Tribe, as Mr. Crow stated, are operating under our Indian Reorganization Act, and through this power vested in the tribal council, through this constitution, we have been able to operate successfully on the reservation.

As Mr. Crow stated, we have our own tribal court and tribal police, which are paid out of our tribal funds. We have been successful in trying to work out and to solve some of the law and order enforcement problems on the reservation.

As for the welfare of the people, as Mr. Crow stated, we are working in conjunction with the State, and also due to the tribal funds our council has been able to provide for some of our indigent people; the crippled, the blind, and so forth.

We also, from a health standpoint, have been very fortunate in working hand in hand with our Indians that we have on the reservation.

Senator LANGER. Is your hospital open or closed?

Mr. OLIVER. It is open.

Senator LANGER. Sir?

Mr. OLIVER. It is open.

Senator LANGER. Has there been any attempt made to close it?

Mr. OLIVER. Well, the only thing is that I understand they may go under the Public Health Service the 1st of July.

Reverend CRUMB. That is correct. By law it has been transferred to the Department of Health, Education, and Welfare, for July 1, 1955.

Mr. OLIVER. Thank you.

So far as the problems are concerned, we do have problems on the reservation, but we have been very fortunate with working hand in hand with our agency staff, our health department, our reservation and welfare department, and also with our local people.

With the powers vested in the tribal council, the council has been trying to develop many of our resources on the reservation, and our timber contracts, and leasing of mines, and so forth, and we have gotten some wonderful assistance out of Washington.

The council also is attempting to hold meetings with some of the nearby reservations and boundary towns, and civic organizations, in order to have the people of the civic organizations understand some of the problems of the Indians.

We feel that from now on we have many of these Indian problems that are going to be the problems of the non-Indian people, as citizens of this State and of this country.

Senator LANGER. How many acres do you have on your reservation?

Mr. OLIVER. How many Indians?

Senator LANGER. No, how many acres? How much land do you have?

Mr. OLIVER. I think, as Mr. Crow has just stated it, that it is 1,600,000.

Senator LANGER. 1,600,000 acres?

Mr. OLIVER. Yes, sir.

Senator LANGER. How many Indians have you on the reservation?

Mr. OLIVER. Approximately 3,800.

Senator LANGER. 3,800?

Mr. OLIVER. Yes, sir.

And also the council has recently attempted to organize an Indian club. We call it an Indian club, when we get the Indians in the community to have meetings each month, and as I notice that our neighbors, the San Carlos Apaches, have a paper called the Apache Newsletter as a means of informing their people, most of our people cannot read, and we feel that it would be better to hold these meetings more or less to keep them informed.

Senator LANGER. Can't your young people read?

Mr. OLIVER. Yes, sir; but there again we have to let our young people read, and then they have to translate it to the older group.

But where we hold this Indian club meeting, we do it both in English and in the Apache language.

Senator LANGER. How long have you been under the jurisdiction of the Bureau of Indian Affairs?

Mr. OLIVER. Over a hundred years, I imagine.

Senator LANGER. And the oldtimers cannot read?

Mr. OLIVER. That is right.

Senator LANGER. The Indian Bureau was created, and when it was created they said that they were going to educate all of the Indians.

Mr. OLIVER. So far as education is concerned, I would like to have Mr. Hardin, the reservation principal, go into that.

Senator LANGER. Very well.

Mr. OLIVER. I think that we have Indians in the Southwest that have many problems to be worked out, and I think one way many of our problems can be solved, Senator, is by the fact that you made a beautiful talk yesterday about the Government loaning billions and billions of dollars—or rather, of pouring billions and billions of dollars into foreign countries, and if some of those billions could be put on the reservation for the benefit of the Indians, I believe that some of our problems would be solved.

Senator LANGER. Certainly.

Mr. OLIVER. There is one other thing I have, and those are statistics on juvenile delinquency, and I would like to read them off, because that is one of our main problems right now.

During the period from July 1, 1953, to June 30, 1954——

Senator LANGER. What are those years?

Mr. OLIVER. July 1, 1953, to June 30, 1954.

Senator LANGER. Why not go back to the twenties and thirties? What did they do for you in the twenties, thirties, and forties?

Mr. OLIVER. I am afraid I cannot answer that question. I just have these statistics from recent years.

Senator LANGER. I just got a note a minute ago that the first Indian school was established in 1892, so that the United States from 1824 did not do anything toward educating the Indians until 1892. That is right, isn't it?

I want to ask you that question, sir.

Mr. HARDIN. According to the records of the agency, the first school for an Apache Reservation was opened in 1892, at the old fort in a vacant soldiers' barracks, and that year, with the aid of the Army and the police and whatnot, they enrolled about 30 children.

Last year we enrolled at the Fort Apache Reservation children on the reservation and other schools, 1,032 children, so it has been a process over the years of developing schools, and developing an attitude in the people of their wanting schools and educating their children.

Senator LANGER. The reason I mentioned what I did is this: You hear all the time about what a great bunch we had in Congress under the old convention system, great men like Daniel Webster, Henry Clay, John Calhoun, and Andrew Jackson, and all of those men, and how under the primary system, where the people elect Senators and Congressmen, the quality of the Senators and Congressmen has deteriorated.

It seems to me that they had from 1824 on, and never established a school until 1892, it seems to me that the present Congress is doing a much better job than the men who were elected under the old convention system.

What do you think about it?

Mr. HARDIN. We think that is true. We think so far as education is concerned at Fort Apache that we are now in a place where every child has an opportunity to go to school.

Senator LANGER. Isn't it true among the Navahos that they have children 15 and 16 years old that cannot speak English?

Mr. HARDIN. That is what I heard. I know it by reading it in the papers and otherwise. I don't know it is a fact, because I have never been associated with the Navahos.

Senator LANGER. What about some of the tribes you have been associated with?

Mr. HARDIN. I believe that the tribes I have been associated with, with the exception of the Choctaws in Mississippi, there have been classroom seats provided for every child that wanted to go to school.

Senator LANGER. Well, when I went among the Navahos 4 or 5 years ago, I found a lot of them could not even talk English. I went out to the area office.

Mr. CHUMBERIS. That was true up to 5 years ago, there were as many as 4,000 Navaho children who never saw a day of school, but in the last year it has decreased to 6,000 now who still don't go to school out of 24,000 or 28,000 Navaho children we have in New Mexico and Arizona.

Senator LANGER. Isn't the best argument in the world for an increased appropriation for educating purposes the fact that we are now educating these children, whereas in prior years we were not educating them? When you go to the Bureau of the Budget, and some of the other fellows who deal with appropriations, they look back and say, "Why, we only appropriated this much money 10 years or 20 years ago, and now you want this great increase in appropriation."

As a matter of fact, it should be doubled and redoubled and redoubled and redoubled, should it not, if we are going to build school-houses and educate all of these youngsters?

Mr. HARDIN. That is true.

Senator LANGER. What do you pay a teacher?

Mr. HARDIN. We have two salary schedules. Our salary schedule last July permitted us to pay \$2,200, or approximately so. We have a salary schedule for beginning teachers with no experience, for the first year of about \$3,400.

Senator LANGER. \$3,400 when they start?

Mr. HARDIN. Yes, for the first year. After 1 year's experience they can go to a GS-7, which is approximately \$4,200 per year.

Senator LANGER. What about the schools in the Navaho Reservation?

Mr. CARMODY. They are under the same salary schedule as the rest of the service.

Senator LANGER. Thank you.

Was that for a 9-month term?

Mr. HARDIN. Our teachers work in the schoolrooms 9 months, and they are employed on a 12-month basis, the same as other employees.

Senator LANGER. Does that include board and lodging?

Mr. HARDIN. No, sir.

Senator LANGER. What does the board and lodging cost school-teachers?

Mr. HARDIN. That varies. We have some that do their own house-keeping, and I couldn't answer that. We do not provide any Government facilities for board and room, other than the quarters. Most of the quarters, the figures for the average housekeeping set of quarters may be two bedrooms, and that ran from \$12 to \$15.

However, I might state that some of these buildings are some that the Army used in the 1870's, in the old fort.

Senator LANGER. Pardon me for interrupting you. Do go right ahead.

Mr. CHUMERIS. Mr. Oliver, go ahead.

Mr. OLIVER. I had just started to read these statistics that we have on juvenile delinquency on the Fort Apache Reservation. During the period from July 1, 1953, to June 30, 1954, there were 86 individuals before the tribal court, involving juveniles who are members of the White Mountain Apache Tribe, and on whom judgments were rendered. Of the 86 individuals involved, there were 40 males and 46 females, with an average range from 13 to 17, both inclusive.

Senator LANGER. How far back do your records go, your school records?

Mr. OLIVER. This goes further than what I have here, but this is representative.

Senator LANGER. Do you have the school records of the thirties?

Mr. OLIVER. I think Mr. Hardin would have to answer that.

Senator LANGER. Can you get those?

Mr. HARDIN. I don't have that information with me.

Senator LANGER. Can we get that information?

Mr. HARDIN. As to attendance records, yes.

Senator LANGER. So that when we go to the Appropriations Committee, we can have all of the information that we need. We would like to show how many were going in 1920, in 1930, and 1940, and show the need for this increased appropriation.

Mr. HARDIN. I think the central office should have those figures, annual reports on attendance are prepared each year, and you should be able to get them at the central office.

Senator LANGER. It is awfully hard to get information down there.

Mr. HARDIN. Well, I might say that I was looking at some records a few days ago, this is something you overlooked, we are increasing in numbers all along. In the fall of 1937 we had seventy-some children become of school-age that fall. This year, or last year we had about 140, so it just doubled in 17 years, the population.

Mr. OLIVER. Well, here I go again. [Laughter.]

Senator LANGER. Can't you get away from the fifties and get back to the forties and thirties?

Mr. CHUMERIS. Senator, may I interject this for one moment? I think this will satisfy some of the questions that the Senator would like to have answered, because he wants to show over a period of years, rather than one year.

We have a study here that was conducted on the White Mountain Apaches—that is your tribe, isn't it—in 1922 to 1931 there were only 24 arrests on your entire reservation.

From 1932 to 1941, another 10-year period, it went to 656 arrests.

Then from 1942 until 1951, for another 10-year period, there was an increase in the number of arrests, and this includes adults as well as minors, and I think, Senator, the reason for your asking these questions is that, for instance, in the 10-year period, way back from 1922 to 1931, only 24 people on the entire reservation were arrested, and that is why I think he wants to get away from that one particular year, or if you do have any figures on it to show further back, because he also wants to bring out the fact that your schooling did not begin until

1892, and it probably was not progressed until, as you bring it up today, at a much greater percentage and a higher standard.

Mr. OLIVER. I don't know whether this has anything to do with it, but the Army did not leave the reservation until 1922.

Mr. CHUMBRIS. 1922?

Mr. OLIVER. That is right.

Mr. CHUMBRIS. You may proceed.

Mr. OLIVER. We only have the report of the juvenile cases for the 1 year, and I did intend to stretch this out a little longer, but I think I will just cut it down to about 2 hours, is that all right. [Laughter.]

Senator LANGER. Sure.

Mr. OLIVER. As I was saying, there was a total juvenile number of cases amounting to 86, and ranging in age from 13 to 17. In the age group of 13, there were 6 individuals; age group 14, 9 individuals; age group 15, 8 individuals; age group 16, 20 individuals; and age group 17, 43 individuals.

Now, these are 86 individuals who were charged with 140 violations.

The fact of the matter is that some of these individuals were charged with as many as four violations, but only 86 were involved.

The 86 individuals made 100 appearances before the court, in which 100 judgments were rendered; 78 appeared 1 time; 5 appeared 2 times; 1 appeared 3 times; 1 appeared 4 times; and 1 appeared 5 times.

The tribal court decisions that were made of the 100 judgments were as follows: Suspended sentence, 25; paid fine, 20; paroled, 23; served sentence in jail, 24; served sentence on daily report, 2; released to parents, 3; released to school, 3.

That made a total of 100.

Senator LANGER. Who was the first lady elected to your tribal council?

Mr. OLIVER. The first lady?

Senator LANGER. Yes.

Mr. OLIVER. Mrs. Saline Hosning.

Senator LANGER. What year was that?

Mr. OLIVER. 1946 or 1947, somewhere in there.

Senator LANGER. You have been electing women on the council pretty regularly since that time?

Mr. OLIVER. I think we have only had two women on the council. There are no women on there now. Are you thinking about woman suffrage again?

Senator LANGER. I am just curious to see. In North Dakota we elected a solid bunch of women, the policemen were all women, we just cleaned house, the women just got together and just cleaned house. They elected the entire city council, and elected the mayor and chief of police, everybody was a woman. They did an excellent job.

I just wondered, I notice you gentlemen sitting here, and wondered whether you didn't have a woman in there occasionally.

I advise you to try it, because they do a good job.

Mr. OLIVER. We thought it worked out good when we did have women on there. They didn't give us too much trouble. [Laughter.]

Senator, how many Indian women in North Dakota serve on their tribal councils?

Senator LANGER. How many what?

MR. OLIVER. How many women do you have among the tribal councils in North Dakota?

Senator LANGER. This is purely a guess, but between 4,000 and 4,500—oh, you mean on the council—well, I will tell you, we have Mrs. Josephine Kelly, and I think all of you are acquainted with her, she has been on the national committee, and an outstanding lady, and comes to Washington, and joins Miss Peterson down there, whom you also know. We have had women on there repeatedly on the council.

Martin Cross and those fellows over there always have 2 or 3 women on the council.

I don't know of any reservation, except the one at Turtle Mountain, where there is hunger, want, and destitution, I don't ever remember a woman being elected to the tribal council in the Turtle Mountain Reservation. It may have happened, but if it did, I was not acquainted with it.

We have wonderful women among the Indian women. We have Gertrude Feather of the Turtle Mountain, Mrs. Joe Wicks, she is the daughter of one of your friends up there.

We don't have any distinction. Our Indian girls work in the State capital, and they have fine jobs. When I was Governor, one of them worked in the Governor's office. We had them in the board of health.

You see, the Indians out there are awfully proud of Mrs. Woodrow Wilson, wife of the President, and Mr. Curtis, Vice President of the United States, who are part Indian.

There isn't any feeling at all of discrimination out there. They go to our public schools in the city of Bismarck, and all other towns, the same as they do here in Phoenix, and somebody mentioned the difference in dress.

Now, we don't have that trouble out there. Our Indian girls and boys are dressed just as well as the other children. Sometimes I might say they are dressed better.

You saw them out there, Mr. Chumbris. Now, you came from New Mexico, and you certainly saw all of the tribes. Did you ever see a nicer bunch of people in your life?

MR. CHUMBRIS. They are a fine looking bunch.

Senator LANGER. We have members of the legislature who are Indians out there. As a matter of fact, our secretary of state came within a few votes of being elected, and would have been elected, if it had not been for an unfortunate incident. We are very, very proud of them out there, and the Indian women out there in North Dakota, let me tell you, they are very, very prominent.

MR. OLIVER. Well, Senator, I would like to end up my report by saying this, that our tribal council through our tribal court, we try to handle some of this enforcement of law and order, and try to solve some of our own problems there through the tribal court, and on these juvenile cases, why, we generally have either the tribal council or the tribal judges follow up on it so that they can solve these problems.

At this time I would like to turn the microphone back to our superintendent, Mr. Crow.

Senator LANGER. Thank you very much.

Reverend CRUMB. I would like to ask you one question, and maybe the superintendent can answer it. Of the 3,800 Indians on the reservation, how many are children from 6 to 18 years of age?

Mr. CROW. Yes, sir; that is in our report, 1,135.

Senator LANGER. There was some testimony here today about one of the tribes, where they were not taking their vaccine shots. Is that true in all of the reservations?

Mr. CROW. No, sir; our people are participating 100 percent. I would say, in the program, that the State is.

Senator LANGER. All right. A little child gets a vaccine shot; who pays for it?

Mr. CROW. The Polio Foundation is paying for all of the vaccine in the first two shots, the first shot which they have not decided exactly, we don't know who will have to pay for that—or rather, the third shot—but the first two shots we will be assured will be furnished without cost by the Polio Foundation.

Mr. CHUMBRIS. I wanted to ask another question: Of the 86 juveniles, you say 40 were girls and 46 were boys—or rather, vice versa, 40 were boys and 46 were girls; is that correct?

Mr. OLIVER. Yes.

Mr. CHUMBRIS. Does this seem to be the ratio each year, or does it seem to be a little high for the girls in this particular year. I mean, from your observation of past years?

Mr. CROW. I think that that is probably about the usual ratio that you would find.

Mr. CHUMBRIS. Do you have a breakdown of the offenses?

Mr. CROW. Yes, sir; we have that in the record, and I didn't read it because of the time element.

Mr. CHUMBRIS. So long as it is in the record, we will be able to observe it.

Mr. CROW. I think it is of particular interest to note that none of these 140 violations were of a serious nature, in that they were merely what we might term as misdemeanors, and the bulk of them falls within disorderly conduct; 57 of those were for disorderly conduct.

In the same period, July 1, 1953, to June 30, 1954, there were no cases that we could find involving juveniles in State court or in Federal court. There was 1 charge of rape in which the individual was placed on probation for 3 years, and 1 charge of burglary where the individual was placed on probation for 3 years, and 1 charge of assault with a deadly weapon received 3 years, and served part of the sentence and was paroled.

All of those three mentioned were in the extreme upper age range of the teens.

Senator LANGER. Now, there was some testimony here today, and I think the reporter will bear me out, of one tribe that sent the vaccine back.

Mr. CHUMBRIS. Just one town on the reservation did accept it and make use of it, I think that was the testimony this morning.

Mr. CROW. If there are no questions, I would like to give the other two representatives of the tribe an opportunity to talk.

This is Mr. Frank Walker, a member of the council.

TESTIMONY OF FRANK WALKER, MEMBER, TRIBAL COUNCIL, FORT APACHE RESERVATION

Mr. WALKER. Thank you, Mr. Crow.

I really don't have much to say. I think that Mr. Crow and Mr. Hardin and Mr. Oliver have covered our problem pretty well, but I do have one thing to say about this, about what you said about this money being sent overseas to these foreign countries. I believe that we should look after our Indians first before we take care of foreign countries.

That is all. Thank you.

Senator LANGER. Thank you very much. We deeply appreciate your coming.

Call your next witness.

Mr. CHUMBRIS. All right.

Senator LANGER. Where are the people from Tucson?

Mr. Cox?

Mr. Cox. I am with the Pima group. I think the Senator is talking about the Papagoes.

Senator LANGER. Mr. Marks.

Mr. MARKS. No, that is not my group.

Mr. CHUMBRIS. Mr. Mark Manuel, chairman of the tribal council for the Papago Tribe, and Mr. Albert M. Hawley, superintendent of the Papago Agency.

Senator LANGER. All of these people have been sworn earlier in the day.

TESTIMONY OF MARK MANUEL, CHAIRMAN, TRIBAL COUNCIL, PAPAGO RESERVATION; AND ALBERT M. HAWLEY, SUPERINTENDENT, PAPAGO AGENCY, SELLS, ARIZ.

Mr. CHUMBRIS. You are Mr. Albert M. Hawley?

Mr. HAWLEY. Yes, sir.

Mr. CHUMBRIS. Will you give your address, and your official capacity for the record, and also introduce the chairman of the tribal council?

Mr. HAWLEY. Yes, I will be glad to.

My name is Albert M. Hawley, and I am superintendent of the Papago Agency, Sells, Ariz.

This is Mark Manuel, chairman of the Papago Tribal Council.

Mr. CHUMBRIS. Will you state your address, please, Mr. Manuel?

Mr. MANUEL. My address is Box 277, Sells, Ariz.

Mr. CHUMBRIS. You may proceed.

Mr. HAWLEY. With the Senator's permission, I will make a few general remarks and then turn it over to our chairman, and then we will be at your service for any questions that you would care to ask.

The Papago Agency has jurisdiction over three reservations.

Senator LANGER. What are their names?

Mr. HAWLEY. The San Xavier Reservation, located south of the city of Tucson, right on the city limits; the Papago Reservation proper, about five-sixths of which is located in Pima County; and then a small reservation located in the Gila Bend area, which is in the southern-southwest portion of Maricopa County.

The total population, which is an estimated figure, is about 8,200 Papagoes living on these 3 reservations, and they live in 73 widely scattered villages. The entire area covers 2,855,000 acres; 41,708 acres on the San Xavier Reservation is allotted land, and was allotted in 1887.

The Gila Bend and Papago Reservation proper is all tribal land.

The principal industry on the Papago Reservation is livestock raising which, of course, is the only resource they have, in the way of grazing.

The resources on this reservation are very limited. There is no forest land, no running streams, and the Federal Government reserves the subsurface rights and, of course, this leaves only grazing, and the Papago Reservation proper, as you see there, is in the northern end of the Sonora Desert, and we have approximately 60 miles of the international border making up our extreme southern boundary on this reservation.

The additional Papago economy is based on land as it is today and, of course, this land base is insufficient. The present use of the land base by the Papagoes, consists of farming a small irrigated field at the San Xavier Reservation, and at the extreme northern part of the reservation, or at Chuichu Village, there is some of the traditional flash flood irrigated farming, but this is very limited, and it is at widely scattered points on the reservation.

The people do some woodcutting for sale and for home use, and this is actually mesquite wood that they cut.

There is some gathering of wild fruits, nuts, and seeds. It is estimated that there are about 1,300 families on these Papago Reservations and 800 of these families subsist on seasonal wage work off the reservation, which is mostly in the way of agricultural labor.

We have broken down, and of course, this is not very accurate, but there are about 400 Papago families that fall into the first group, whose source of income is cattle sales, permanent jobs in skilled or semiskilled trades, and these are families who through education and special adaptability have adapted themselves to the white man's economy.

The second group, which consists of around 800 to 900 families, maintain a very precarious livelihood from subsistence farming, in good years, small cattle holdings, the cutting and selling of wood, and seasonal off-the-reservation labor.

This group consists of the uneducated, non-English-speaking people, whose incomes range from a bare subsistence level downward.

Senator LANGER. You say they don't speak English?

Mr. HAWLEY. We figure that about 60 percent of the Papago people do not speak English.

Senator LANGER. What language do they speak?

Mr. HAWLEY. Papago. There actually are five Papago dialects, and the name Papago was given them more or less as an administrative handle, in other words, to designate these people, these desert people.

Now, that comprises my general remarks, and I would like to turn the discussion over to our very able chairman, Mr. Manuel, who I think has some words he would like to give to you.

Senator LANGER. Do your people wander around over the desert? Is that what I am to understand?

Mr. HAWLEY. No, they have permanent homes on the reservation. The Papago Reservation proper is divided into districts, and even when the Papagos are relocated in Chicago or Los Angeles, that does not become his home. His relatives are at the villages among the Papagos, and he has been able to keep intact his kinship system or his extended family system, and if he leaves the reservation, when he comes back he goes right back to the village that he calls home.

Senator LANGER. Do they intermarry among the different villages, or how do they operate?

Mr. HAWLEY. Yes, they do. We have found, and I think people that have lived on the Papago Reservation for any length of time have found, that if a Papago man marries a Papago girl from another village, and if he goes to his wife's village to live, he does not necessarily become a member of that community. He had better behave himself or be very careful, because the chief of that village can order him out.

Senator LANGER. Does each village have its own form of government?

Mr. HAWLEY. Yes, each village has what we call a headman, and the tribal organization for the government of tribal people is based actually on the village, and practically all of the powers in the Papago government are derived directly from the village, and a district council is made up usually of the village headmen, and they are really the ones who, if you want to have any business done around in their area, you first go to them, to the village headmen, and talk it over with them, talk it over with the village headman and he in turn will go to the people, and then he will take it to the district council, and if the district council concurs, then he takes it to the village council.

Senator LANGER. Suppose your friend here wants to sell a cow for \$5, whose consent does he have to get?

Mr. HAWLEY. There is no control over the sale of private property or the disposal of private property by the village. They have full control of their own private property. The use of the land is also controlled actually by the village. And this, of course, is traditional with the Papagoes.

The tribal council more or less passes on the actions of the district council.

Senator LANGER. Do any of them own their own homes?

Mr. HAWLEY. Yes. The Papagoes own their own homes, and we have two classifications. One is known as the wattle and daub type, which is usually made up of a special type of cactus planted with adobe mud, and the other is made up of adobe bricks.

Senator LANGER. Do they own the land on which their homes are built?

Mr. HAWLEY. It is all tribal land. There is no individual ownership—only on the San Xavier Reservation, which was allotted in 1887. And for all general purposes, it has reverted back to tribal land, and to try to get an easement across there is really a job.

Senator LANGER. Can you establish the heirs? Is that where your trouble is?

Mr. HAWLEY. Yes, sir; that is it.

Senator LANGER. If a fellow had died, and his children had children, and they died, there may be 100 to 150 heirs to a small tract of land, is that right?

Mr. HAWLEY. That is true.

Senator LANGER. What is being done to get that settled?

Mr. HAWLEY. Well, at the present time we have looked over the situation at San Xavier, and with instructions from the area office, we are doing preliminary work on the probating of these heirships, and after our preliminary examination we decided to go to the anthropology department of the University of Arizona, and they are going to send some of their experts out there to help us trace these relationships, because the names of the Papago people is something that is very hard to follow.

The problem lies in the fact that if my name was Jose Juan, and I had a son, that son would probably take my first name, Jose, as his family name, and then tack on a name in front of that.

Senator LANGER. Will they be able to trace it back for 125 years?

Mr. HAWLEY. We are going to try to trace them back to 1887. We have found children registered in different schools from families that go into the cotton fields, and they come back where 1 child had 8 different names. Its pretty hard to keep track of them, because they will change their names.

Senator LANGER. I suppose they imitate some of the white people by doing that.

Mr. HAWLEY. If they hear a name that they like, they just take it. Say the child goes to a school and he hears somebody say John Jones, and he likes that name he'll just take that name, and his parents won't know anything about it until he comes back for an education card, or something, and they ask him what his name is and then we have to run down the family name. Its lucky that we have had some men on there for 20 years, who know how to go about that.

Senator LANGER. How large a fund has the university got to trace it?

Mr. HAWLEY. We are going to try to get them set up as projects, where they will do research work for their thesis. We still have to go to the board of regents to get that O. K. We get wonderful cooperation out of the University of Arizona, and the county attorney's office, the sheriff's office, and the probation department.

It is amazing at the good public relations that the Papago people have with their surrounding neighbors.

Senator LANGLEY. How many pieces of land have you traced?

Mr. HAWLEY. We are just in the preliminary work now. It is going to be a long-time job for somebody. We figure that it would take one man at least 3 years to do it.

Senator LANGER. To trace one name?

Mr. HAWLEY. No, to trace the tribe's names.

Senator LANGER. Well, if an oil company or a uranium company comes in, and they want to buy a piece of land, how do they go about it, if they want title, if they want to put a well down on a piece of land, how do they go about getting title to that piece of land?

Mr. HAWLEY. Well, at the present time we try and locate as many heirs as we possibly can, and get their signatures, and then when we cannot locate the other heirs, then we refer to title 25. I believe

there is a section in there that grants the superintendent the authority to sign for the heirs if he cannot locate them.

SENATOR LANGER. I would like to hear from our friend over here, Mr. Manuel.

MR. MANUEL. Mr. Senator, I would like to say a few words about the tribal council.

First of all, there are 11 districts on the Papago Reservation. There are two representatives from each district, which makes the tribal council consist of 22 members, and also, the chairman and secretary and treasurer.

The council meets once each month.

Now, I will point out some of the discussion that they are having in their council meetings. A month ago we brought up the relocation program to the Papago Council, and they said in their discussion that they are not ready for it.

SENATOR LANGER. They are not ready for what?

MR. MANUEL. They are not ready for relocation, and yet, some of our Papagoes already have relocated in different cities. I notice that these Papagoes have been doing that for many years, ever since the farming districts started around Casa Grande, and Eloy and Marana. Some of our people are working, they get jobs in that farming area, and they stay for years and years, but they do come and visit the reservation once in a while, two times every year, I think.

Now, in that council meeting, the council said, "Well, we will just leave it up to the individual. We are not going to force them to leave, we are not going to send them off the reservations for a relocation program."

And another thing I want to bring up at this time is that last Tuesday we met Dr. Fee from the Bureau of the Budget Office in Washington. He asked us about a hospital in Sells. He pointed out that there are two places where they want to build a hospital, one in Tucson, which he was very much in favor of building out there, and I told him that it was all right, but I would like very much to have it built in Sells, because this is the center of the reservation, and also the villages surrounding the district, this is the headquarters of the Papago Council.

So I pointed out this, and I point this out to you, that there is a hospital at San Xavier, and also one in Tucson, there is a county hospital there, which some of our Papago people go to. I also point out this, that our hospital in Sells was destroyed by fire in 1947, and ever since we have tried to ask for a hospital to be built in Sells, because of the difficulty in transporting patients who are to be taken from here to San Xavier, or to Tucson, or even to Phoenix.

SENATOR LANGER. How far away are those towns?

MR. MANUEL. About 75 miles to the one at San Xavier, and Tucson is about 62 miles, and from Sells in the western part of the reservation, that is also about 70 miles. That is due west, right off the reservation, which makes it a long way to bring our patients to a hospital for hospitalization.

So I told Dr. Fee about building a hospital right there in Sells.

SENATOR LANGER. You have 8,000 people there. Do you have a hospital out there in any of those towns?

Mr. MANUEL. No, no, the only hospital we have got is one at San Xavier.

Senator LANGER. Do you have a schoolhouse in each town?

Mr. MANUEL. Do you mean on the reservation?

Senator LANGER. Yes.

Mr. MANUEL. We have got 2 schools in Sells, 1 day school and a small public school.

Senator LANGER. Just 2 schools for 8,000 people?

Mr. MANUEL. No.

Senator LANGER. How many schools have they got?

Mr. MANUEL. Well, we have got about 7 Government schools and 5 mission schools in the Sells Reservation.

I also point out that we need some help from the Bureau Office, if we can get some help, to help along our Papago children that need an education. It is always hard for the Papago children to go out to other high schools in Tucson or in other places. We have a high school here in Phoenix, an Indian school.

Senator LANGER. How far away is that from where your land is?

Mr. MANUEL. That is over 124 miles.

Senator LANGER. How many of your children are in the Phoenix school?

Mr. MANUEL. Well, I think somewhere around 120. We also have some children in California, in the Riverside school.

Along with these school facilities, we have mission schools in St. John that teach some of our Papago children.

Mr. HAWLEY. Senator.

Senator LANGER. Mr. Hawley, can you give us a breakdown on that school situation? He said that half of them cannot even talk English.

Mr. HAWLEY. Yes, I can give you that, Senator. I would like to make a correction here. The school at Sells is a consolidated school. By that I mean the public school is consolidated with the Federal school, and this school has nine grades, from beginners to the ninth grade. It has 9 teachers and enrolls 200 pupils, and 5 of the teachers are paid by the Federal Government, and 4 of the teachers are paid by the State.

Senator LANGER. Pardon me. You say they only have 200 pupils?

Mr. HAWLEY. That is in one school.

Senator LANGER. How many schools are there altogether?

Mr. HAWLEY. There are 6 Federal day schools enrolling 750 children. There are 6 schools under the administration of the San Solano Mission, which are Catholic schools, and they enroll approximately 375, and if I am wrong, Father Regis is here and he can correct me.

Then we have the boarding schools, Federal, 305; mission boarding schools, 150; public grade schools, 575; public high schools, 70; vocational training, 10; college students, 10; and children of relocatees, 25, or a total of 1,145.

These children of relocatees are either in Chicago, Los Angeles, or Oakland, Calif.

Senator LANGER. Thank you. You think you are really solving the educational problem, are you?

Mr. HAWLEY. Well, no, I wouldn't say exactly that, Senator. Most of these youngsters that I have quoted, outside of those I stated were in

high school, are elementary youngsters, from beginning through the eighth grade. Our big problem on education on the Papago Reservation is for high school students. We just do not have the facilities to keep our Papago youngsters in high school, for the simple reason that we have only one high school grade on the reservation, and we have in the Phoenix school, I believe, around 100 to 125, and the balance of 70 are youngsters that live in and around the city of Tucson, and around Marana, and Case Grande and Ajo.

We have had around 30 to 45 families that are permanently employed there by the New Caledonia mine, which is a part of the Phelps-Dodge Copper Co.

Our big problem is keeping these youngsters interested in school after they finish the grade school.

And then as to the development program, the Papago rehabilitation program, as introduced by Senator Goldwater, and Representative Udall, there is a proposal contained therein to building boarding facilities in the surrounding towns, like Tucson, Case Grande, and Ajo, where we can get more of these youngsters in school.

I think that Mark will bear me out that the Papago parents are becoming very conscious of the fact that they should keep their youngsters in high school, and I believe in St. Johns, I don't know just how many Papago youngsters we do have in high school; however, I saw Father Edwards in the audience a while ago, and he can give us that figure.

Senator LANGER. And these college students, where do they go to school?

Mr. HAWLEY. We have them in the University of Arizona at Tucson, we have 6 of them there, and we have 1 at the Arizona State College in Tempe, and 2 of them are in the Arizona College at Flagstaff.

Senator LANGER. Are these veterans under the GI bill of rights?

Mr. HAWLEY. Two of them are. And the rest of them are working their way through, scratching their way through, you might say.

Then we have a group of public spirited citizens in the city of Tucson, known as the Association for Papago Affairs, and they have gone around and helped getting scholarships in order to keep these youngsters in school.

Senator LANGER. Where do they study?

Mr. HAWLEY. I would not know that, Senator. I have not had a chance to examine their curriculum.

Mr. CHUMBRIS. These are the exhibits that you have?

Mr. HAWLEY. Yes.

Mr. CHUMBRIS. We would like to have them presented for the record.

Mr. HAWLEY. Very well.

(The documents referred to, consisting of four folders headed Papago Agency, Sells, Ariz., were marked "Exhibit No. 12," and are as follows:)

EXHIBIT No. 12

PAPAGO INDIAN AGENCY, SELLS, ARIZ.

EDUCATIONAL STATISTICS

Reservation administration

Four employees: Reservation principal, educational field agent, clerk-stenographer, and truckdriver.

Schools, Bureau of Indian Affairs

Name	Grades	Number of teachers ¹	Total enrollment	Other employees	Buses
Sells Consolidated.....	Beginners to 9.....	49	200	5	3
Santa Rosa Boarding and Day.....	Beginners to 8.....	5	135	7	2
Santa Rosa Ranch Day.....	Beginners to 6.....	1	30	2	1
Vaca Chin Day.....	Beginners to 8.....	3	90	3	2
Chuichu Day.....	Beginners to 6.....	2	60	2	1
Kerwo Day.....	Beginners to 8.....	2	55	2	1
Total.....		22	570	21	10
Total enrollment in all types of schools, 2,090.					

¹ Includes principals.² Includes 3 public-school employees.*School, San Solano Mission (Catholic)*

Name	Grade	Number of teachers	Total enrollment	Other employees	Buses
Topawa.....	Beginners to 8.....	3	120	3	2
Cowlic.....	Beginners to 6.....	2	55	2	1
Pisinemo.....	do.....	2	60	2	1
San Xavier.....	do.....	3	40	1	
San Miguel.....	do.....	2	40	2	1
Covered Wells.....	do.....	2	60	2	1
Total.....		14	375	14	6

Above figures based on attendance reports sent to reservation school office.
Following items in approximate figures:

Off-reservation school enrollment

Bureau boarding schools.....	305
Mission boarding schools.....	150
Public grade schools.....	575
Public high schools.....	70
Vocational training.....	10
College students.....	10
Children of relocatees.....	25
Total.....	1,145

Vehicle operation, Government schools

Busses.....	14
Other vehicles (cars, pickups).....	14
Total.....	28
Bus miles, annual.....	136,000
Other vehicle-miles, annual.....	115,000
Total gasoline, annual..... gallons.....	240,000
Total oil, annual..... quarts.....	1,600
Miles driven to supply food for 75,000 lunches.....	15,000

Schools, with the exception of Sells Consolidated, are located the following distances from the agency headquarters:

	Miles
Santa Rosa boarding and day.....	38
Santa Rosa Ranch day.....	25
Vaca Chin day.....	59
Kerwo day.....	75
Chuichu day.....	76

Progress toward conversion to public schools

Sells Consolidated School operated cooperatively by Bureau of Indian Affairs and Indian Oasis School District No. 40 of Pima County. Ninth grade accredited by State Department of Education.

State adopted textbooks and curriculum used in all schools.

Distance from existing school districts slows conversion. More education of both Indians and non-Indians needed on acceptance of responsibility.

Qualifications of bureau teachers: Seven (including reservation principal) hold master's degrees. Thirteen hold bachelor's degrees. Of the 13, 3 are nearing completion of master's requirements. Five of the seven holding master's degrees have done work beyond the degree. Two have passed their qualifying examinations for doctorate in education.

Eleven teachers have Arizona State teaching certificates. Remaining teachers can qualify by filing transcripts and applications.

JUVENILE COURT CASES

Tribal court

Charge	Number of arrests	Dispositions
Intoxication.....	34	Released to: Parents, 7; school, 18; priest, 3.
Vandalism (wrecked auto).....	5	Released to parents.
Theft.....	5	Warned; returned to school.
Assault and battery.....	1	90 days probation.
Possession of liquor.....	4	30 to 60 days probation.
Reckless driving (no license).....	2	Warned; released to parents.
Possession of weapons.....	4	Released to: Parents, 1; Federal officers, 1; school, 2.
Total arrests in 2 years.....	55	

Out-of-wedlock births

	Date	Sex of child	Mother's age
<i>1953-54</i> ¹			
San Xavier Hospital.....	Feb. 27, 1953	Female.....	21
Do.....	June 11, 1953	Male.....	18
Do.....	June 2, 1953	Female.....	17
Do.....	Mar. 14, 1953	Male.....	22
Do.....	June 20, 1953	Female.....	16
Do.....	Oct. 22, 1953	do.....	17
Do.....	Apr. 3, 1953	Male.....	20
Do.....	Mar. 15, 1953	Female.....	(?) 22
Do.....	Dec. 3, 1953	Male.....	18
Do.....	July 20, 1953	Female.....	19
Do.....	Apr. 14, 1953	do.....	21
Do.....	Oct. 5, 1953	do.....	22
Home.....	Apr. 25, 1953	do.....	19
<i>1954-55</i> ²			
San Xavier Hospital.....	June 29, 1954	do.....	20
Do.....	July 27, 1954	do.....	18
Do.....	Feb. 14, 1954	do.....	16
Do.....	Jan. 23, 1954	do.....	21
Do.....	Aug. 24, 1954	do.....	18
Do.....	Mar. 26, 1954	do.....	17
Do.....	Feb. 6, 1954	do.....	20
Do.....	Mar. 8, 1954	do.....	19
Do.....	Feb. 21, 1955	do.....	21
Do.....	Feb. 17, 1955	do.....	15

¹ Total, 13 out-of-wedlock births (3 mothers juveniles).

² Total, 10 out-of-wedlock births (3 mothers juveniles).

6 cases of juvenile mothers in 2 years.

STUDY OF JUVENILE DELINQUENCY, PIMA COUNTY PROBATION DEPARTMENT

Juvenile court cases

Anglo-American juvenile cases-----	904
Mexican cases-----	470
Indian cases (Papago cases, estimated, 27)-----	33
Girls' cases (Papago)-----	4

The largest number of cases: Drinking and fighting.

Next major number: Truancy (no evasion, truthful acknowledgment).

Next major number: Stealing, usually when drunk (petty stealing).

Girls' problems were: The largest number of cases, truancy; second largest number of cases, petty stealing (shoplifting, forgery case).

Federal court cases

Indian boys (no girls)-----	3
Papago boys-----	2
Mohave-Papago (assault with dangerous weapons)-----	1

LAW AND ORDER

Criminal cases, juveniles

Section No.		Total arrests	Juveniles
2	Assault and battery-----	8	1
3	Intoxication-----	567	34
4	Disorderly conduct-----	22	0
6	Theft-----	7	5
12	Sex offenses-----	16	0
13	Failure to support-----	9	0
14	Possession of weapons-----	0	4
15	Possession of liquor-----	47	2
16	Reckless driving-----	1	2
17	Vandalism-----	0	5
18	Driving while liquor in possession or under the influence of liquor--	59	2
19	Contributing to delinquency of minor-----	4	0
22	Contempt of court-----	5	0
	Total-----	751	55

Adult court cases and dispositions

Sec. No.	Charge and number of arrests	Disposition	No. of cases
1	Assault and battery (8).....	Fined \$90 or 90 days.....	4
		Fined \$45 or 45 days.....	2
		Fined \$30 or 30 days.....	1
		Escaped.....	1
2	Intoxication (567).....	Fine of \$10 or 10 days.....	58
		Fine of \$15 or 15 days.....	448
		Fine of \$30 or 30 days.....	56
		Released to Armed Forces.....	2
		Suspended sentence.....	1
		Released to medical officer.....	1
		Dismissed—lack of evidence.....	1
3	Disorderly conduct (22).....	Fined \$30 or 30 days.....	6
		Fined \$15 or 15 days.....	15
		Fined \$10 or 10 days.....	1
4	Thefts (7).....	Fined \$30 or 30 days.....	4
		Warned to restore property.....	3
5	Sex offenses (illicit cohabitation, attempt at rape) (16).....	Fined \$30 or 30 days.....	7
		Fined \$90 or 90 days.....	5
		No conviction.....	4
6	Support cases (9).....	Financial settlement fixed.....	2
		Fined \$90 or 90 days.....	2
		Fined \$45 or 45 days.....	2
		Fined \$30 or 30 days.....	1
		Sentence suspended.....	1
		Placed on probation.....	1
7	Possession of liquor and/or in- toxicated (46).....	Fined \$70 or 70 days.....	3
		Fined \$90 or 90 days.....	2
		Fined \$60 or 60 days.....	5
		Fined \$120 or 120 days.....	3
		Fined \$45 or 45 days.....	33
	Intoxication, escape, and liquor violation, injury to public property (2).....	Fined \$100 plus 100 days plus \$13 property damage.....	1
		Fined \$75 or 75 days in jail.....	1
8	Driving while in possession of or under influence of liquor (59).....	Fines ranging from \$90 or 90 days to \$162 or 162 days.....	21
		Fines ranging from \$45 or 45 days to \$90 or 90 days.....	37
	Reckless driving (1).....	Fine—\$15 or 15 days.....	1
	License suspended in addition (4).....	License suspended and \$200 court cost.....	1
9	Contributing to delinquency of minor (4): Permitting child to drive car.....	Warned and released.....	1
	Permitting child to truant from school.....	do.....	3
10	Contempt of court (5).....	Fined \$15 or 15 days.....	3
		Warned and released.....	2
	Total number of arrests, 749.....		

EMPLOYMENT SECURITY COMMISSION OF ARIZONA,

ARIZONA STATE EMPLOYMENT SERVICE,

Tucson, Ariz., April 18, 1955.

Mr. ALBERT HAWLEY,

*Superintendent, Papago Indian Agency,**Scolls, Ariz.*

DEAR MR. HAWLEY: Enclosed is information regarding the Papago placement program of the Tucson office of the Arizona State Employment Service.

I trust the information will be useful in the preparation of your presentation to the Senate subcommittee.

If you need any additional information, please let us know and we will be happy to furnish any further information you may desire.

Very truly yours,

AUGUST WIEDEN, *Manager.*

I. PAPAGO PLACEMENT PROGRAM

In January 1952, the Tucson local office of the ASES began a special program to make available to the people living on the Papago Indian Reservation all of the services provided by the Arizona State Employment Service. Among the services included are registration for work, counseling and testing, promotional development of local job opportunities, and selection and referral to job openings.

The Papago placement representative also represents the unemployment compensation division in assisting applicants to file claims for unemployment compensation on the reservation.

II. ITINERANT SERVICE

The ASES services are provided to the Papago Reservation by itinerant trips through the reservation. These trips are made twice per month, usually the first and third weeks of each month. Eleven villages are contacted on each itinerant trip. At least 1 village in each of the 9 districts of the reservation is contacted, and in 2 districts, 2 villages are contacted by the ASES representative. The villages contacted were selected by representatives of the Papago Indian Agency, Papago Council, and ASES, as population centers and also as being convenient to be reached by people living in other parts of the district. At each village, in cooperation with the Papago Council and Papago Agency, a resident contact person was selected, a person acquainted with the people and familiar with their wants and needs.

The villages contacted are: Santa Rosa Ranch (Schuck, Sells, Covered Wells (Quijotoa), Santa Rosa (Gu Achi), Anegam, Vaya Chin, Kerwo (Gu Vu), Tracy's (Wahakhotronk), Pisinimo, Topawa, and San Miguel.

A copy of the schedule for April, May, and June 1955 is attached (exhibit I).

In addition to the regularly scheduled itinerant trips through the reservation, special trips are made as required to recruit workers or in special cases to provide transportation to bring qualified applicants to fill specific job openings, provided they have no transportation of their own. These special trips are usually conducted during the periods of peak needs for farm labor.

III. RESULTS

During the first 6 months the special program for the Papago Reservation was in operation, January through June 1952, 56 applications were taken on the reservation; 36 nonagricultural and 77 agricultural placements were made. In July 1952 the ASES local office started keeping statistics on services provided Indians in the local office and were combined with the services performed on the reservation for reporting purposes. From July 1952 through December 1954, 537 new applications were taken, 78 applicants received counseling, 26 applicants had either aptitude or proficiency tests administered to them, 1,440 nonagricultural and 186 agricultural placements were made. Of these totals, approximately 191 new applications, 43 counseling interviews, 23 tests, 122 nonagricultural and 144 agricultural placements were made on the Papago Reservation.

ASES services provided in the local office were for the benefit of Papagos coming into Tucson from the Papago Reservation and in the Tucson area. Most of the nonagricultural placements were as domestic or casual labor in jobs of short duration. (See exhibits II, III, and IV.)

IV. PROMOTIONAL ACTIVITY

When the Papago placement representative is not on itinerant service on the reservation, he spends a great amount of time in attempting to develop jobs for Papago applicants and promoting job opportunities for them. This is done either by personal visits to employers or contacting them by telephone. During the 3-year period from January 1952 to December 1954, a total of 147 employer visits and 23 telephone calls were made to employers in an attempt to develop jobs and employment opportunities for Papagos.

(The decrease in agricultural placements during 1954 from that of the previous 2 years was caused by the tight restrictions on cotton acreage. And with further cutbacks in cotton acreage for 1955, farm placements will continue to diminish. Another factor causing a decrease in farm-placement activity is the increased use of mechanical cottonpickers. In 1952, 52 percent of Pima County's cotton was machine picked, in 1953, 65 percent, and in 1954, 55 percent was harvested by machine pickers.)

*The schedule of visits on the Papago Reservation by Arizona State Employment
Service Representative*

TUCSON TO AJO—TUESDAY

Location	Time	Contact person
Santa Rosa Ranch School.....	9 to 9:15 a. m.	School-bus driver.
Sells:		
Tribal council office.....	10 to 11:15 a. m.	Council personnel.
Agency office.....	10 to 11:15 a. m.	P. Ingram.
Covered Wells-Covered Wells Trading Post.....	12 m. to 12:15 p. m.	Mr. Quake.
Santa Rosa School.....	1:15 to 1:30 p. m.	School principal (Mr. Harris).
Anegram.....	1:40 to 2 p. m.	Juan Chiago.
Yaya Chia School.....	3 to 3:30 p. m.	Joe Lopez.
Ajo.....	5 p. m.	

AJO TO TUCSON—THURSDAY

Kerwo School.....	9 to 9:30 a. m.	School principal (Mr. Turner).
Tracy's Trading Post.....	10:15 to 10:30 a. m.	Mrs. Richmond.
Pisinemo-Pisinemo store.....	11:30 to 11:45 a. m.	Mrs. Quake.
Covered Wells-Covered Wells Trading Post.....	12:30 p. m.	Mr. Quake.
Sells.....	1:30 p. m.	Mr. Ingram.
Topewa, post office.....	2:15 to 2:30 p. m.	Father Regis or Swanson.
San Miguel, abandoned church.....	3 to 3:30 p. m.	San Cachora.
Tucson.....	6:30 p. m.	

Dates.—Tucson to Ajo: April 5 and 19, April 3 and 17, June 7 and 21; Ajo to Tucson: April 7 and 21, May 5 and 19, June 9 and 23.

JANUARY 4, 1955.

To: August Wieden.
From: Stanley Winton.
Subject: Papago project, 1954.

I. Introduction

The following is a report of the activities and results of the Papago placement program during the calendar year of 1954.

II. Active file

On January 1, 1954, the Papago itinerant file contained 12 active applications. As of December 26, 1954, there were 11 applications in the active itinerant file, including 6 veterans. Six have agricultural classifications, two have skilled classifications, and three semiskilled classifications.

III. Reception contacts

A total of 492 reception contracts were recorded during the course of regular itinerant service on the reservation during the year.

IV. New applications and subsequent application interviews

(a) *New applications.*—Thirty-eight new applications were taken on the reservation during 1954. Of these 9 were veterans and 8 females.

(b) *Subsequent application interviews.*—During this period 19 subsequent application interviews were made.

V. Counseling and testing

(a) *Counseling.*—There were no counseling interviews made on the reservation during the year.

(b) *Testing.*—One proficiency test was administered on the reservation. In addition, 5 Papago students in Ajo and 11 students at the Tucson Indian Training School were given the general aptitude test battery.

VI. Placements

Placement activity for the year is as follows: Forty-eight applicants from the reservation were placed, 34 in agricultural work, and 14 in nonagricultural occupations.

VII. Field visits and promotional telephone calls

(a) *Field visits.*—During the year a total of 67 employer visits were made for the purpose of promoting employment opportunities for Papagos. Fifty-three of the visits were to nonagricultural employers and 14 to agricultural employers.

(b) *Promotional telephone calls.*—Four promotional telephone calls were made for promoting Papago employment. Two to nonagricultural and two to agricultural employers.

VIII. Cooperation with other agencies

(a) *Papago Indian Agency.*—1. The Papago Indian Agency, through the Bureau of Indian Affairs relocation program, has been able to give financial assistance to applicants wanting to move permanently to California.

2. Applicants seeking information concerning the relocation program or wanting to relocate are referred to the agency relocation officer in Sells.

3. Applicants, seeking work in the local area, who contact the agency relocation officer are referred to the local office of the Arizona State Employment Service or are directed to meet the ASES Papago placement representative at the nearest scheduled itinerant point.

4. The agency relocation officer has provided transportation for applicants, with no transportation of their own, referred to jobs in the Tucson or Ajo areas by the ASES Papago placement representative.

(b) *The Papago Council.*—The Papago Council, through its chairman and other officers, has shown great interest in our program to help its people. Council officers have directed interested people to contact the ASES representative at the nearest itinerant point.

(c) *Other agencies.*—Mr. Harper Stewart, field representative, Bureau of Apprenticeship, has given great help to the Papago placement representative in the way of advice and information regarding possible apprenticeships.

IX. Miscellaneous

(a) *Itinerant travel.*—Twenty-four regularly scheduled itinerant trips were made to all but 1 of the 11 itinerant points of the reservation. The village of San Miguel was not visited the second trip in May, and the second trip in July because heavy rains made the road impassable. In addition, Mr. Cowley, farm-placement representative, made two special trips to Sells to transport applicants to farm jobs. Also one special trip was made to Ajo. The State-owned truck was used for all travel on the reservation.

A total of 11,084 miles was driven on the reservation in the State truck.

JANUARY 13, 1954.

To: August Wieden.

From: Stanley Winton.

Subject: Papago project, 1953.

I. Introduction

The following is a report of the activities and results of the Papago placement program during the calendar year of 1953.

II. Active file

On January 1, 1953, the Papago itinerant file contained six active applications. As of December 26, 1953, there were 12 applications in the active itinerant file. Six of the applicants were veterans and 1 female. Their classification breakdown is: Domestic, 1; entry, 2; agricultural, 4; skilled, 1; semiskilled, 2; and unskilled, 2.

III. Reception contacts

A total of 523 reception contacts were recorded in the course of regular itinerant service on the reservation during the year.

IV. New applications and subsequent application interviews

(a) *New applications.*—Eighty new applications were taken on the reservation during 1953. Of these, 31 were veterans and 11 were females.

(b) *Subsequent application interviews.*—During this period 23 subsequent application interviews were made, including 9 veterans and 2 females.

V. Counseling and testing

(a) *Counseling*.—There were 11 counseling interviews on the reservation during the year. Seven of these were initial counseling and four were repeat interviews.

(b) *Testing*.—The general aptitude test battery was given to three applicants, all veterans. Three proficiency tests were given to female applicants.

All testing was done in the local office, the applicants coming in on their own or were brought in by the agency placement officer. Arrangements were made to test 2 other applicants, 1 GATB and 1 specific aptitude test; however, the applicants failed to report.

VI. Placements

The placement activity for the year is as follows: Fifty applicants from the itinerant file were placed, 27 in agricultural work, and 23 in nonagricultural occupations.

During the first 6 months of the year, the greatest placement activity was in recruiting and placing tractor operators, irrigators, and cotton choppers in agriculture. It was anticipated that during the last 6 months of the year, the greatest activity would be in the mining industry, especially at Phelps-Dodge in Ajo. However, this year there were few job openings at Phelps-Dodge after their shutdown period, in contrast to previous years when Phelps-Dodge would hire all available qualified applicants.

VII. Field visits and promotional telephone calls

(a) *Field visits*.—During the year a total of 58 employer visits were made for the purpose of promoting employment opportunities for Papagos. Thirty-seven of the visits were to nonagricultural employers and 21 to agricultural employers.

(b) *Promotional telephone calls*.—A total of 12 promotional telephone calls were made during the year for Papagos. All but one of the calls were to non-agricultural employers.

VIII. Cooperation with other agencies

(a) *Papago Indian Agency*.—The agency, through the Bureau of Indian Affairs relocation program, has been giving financial assistance for transportation and subsistence to applicants wishing to move permanently to Chicago or to California. Applicants contacting the ASES representative seeking information or wishing to relocate are referred to the agency placement officer in Sells.

Applicants seeking work in the local area who contact the agency placement officer are referred to the local office of the ASES or are directed to meet the ASES Papago placement representative at the nearest scheduled itinerant point.

The agency placement officer has brought in to Tucson applicants who have been referred to jobs by the ASES Papago placement representative, but who have no transportation of their own. He also provided transportation to applicants to be tested.

(b) *The Papago Council*.—The Papago Council, through its chairman, has shown great interest in our program to help its people. The council has referred interested persons to contact the ASES representative at the nearest itinerant point.

(c) *Other agencies*.—Mr. Harper Stewart, field representative, Bureau of Apprenticeship, has given much help, information, and advice to the Papago placement representative in the matter of possible apprenticeships.

IX. Miscellaneous

(a) *Itinerant travel*.—Twenty-four regularly scheduled itinerant trips were made to the 11 itinerant points on the reservation. In addition, 7 special trips were made to the reservation: 2 of the trips were made for the purpose of recruiting agricultural workers and 5 were made to bring workers who were without their own transportation to the employers' farm or camp. The State-owned truck was used for all travel on the reservation, except one regular itinerant trip, when a privately owned vehicle was used, the State truck being out of commission.

A total of 11,405 miles was driven on the reservation in the State truck and 439 miles in a privately owned car, making a total of 11,844 miles driven on the reservation.

JANUARY 31, 1953.

To: August Wieden.
From: S. F. Winton.
Subject: Papago project, 1952.

On December 31 the Papago Indian active file contained a total of 6 applications: 1 veteran, 3 nonveterans, 2 females. Of the 6 applications, 3 were classified for agricultural work, 2 were semiskilled labor, and 1 unskilled labor.

There were 220 reception contacts on the reservation for the first 6 months of 1952. During July, August, and September, approximately 62 reception contacts were made, the exact number is not known as the records were combined with those of the local office activities. During the last 3 months of 1952 a total of 73 reception contacts were made on the reservation. Thus, for the 9 months that contacts on the reservation were kept separate, a total of 293 were made, and for the entire year, there were approximately 355 reception contacts made on the Papago Indian Reservation.

A total of 73 new applications were taken during the year of 1952. There were 27 veterans, 39 nonveterans, and 7 females. Two applicants were given clerical classifications, 6 domestic service, 30 agricultural, 3 skilled labor, 11 semiskilled, and 21 unskilled labor.

During the first 6 months, the records of placements of Papagos on the reservation were kept separate, during the last 6 months, placements records of the reservation Indians were combined with the Indian activity of the local office. From January through June, 36 permanent nonagricultural placements were made and 77 permanent agricultural placements of reservation Indians. During the last 6 months of 1952 the combined activities had a total of 327 nonagricultural placements, 42 of which were of a permanent nature, and 11 agricultural placements.

For the year, a total of 363 nonagricultural placements were made, 78 being permanent, and a total of 88 agricultural placements were made. A grand total of 451 placements were made, including 166 placements that were considered permanent.

For 1953, reservation placements will be kept separate.

Information received from the placement officer of the Papago Indian Agency in his monthly placement reports shows a total of 191 nonagricultural placements and 28 agricultural placements, all of a permanent nature. The total of 219 placements are from information received from the Employment Service. The report shows that the placement officer actively participated in 139 of the placements.

A total of 24 itinerant trips were made to the reservation, and in addition, a number of the more isolated villages were contacted during a survey in September.

The State-owned truck was used exclusively for transportation on the reservation and was driven a total of 11,179 miles on those itinerant trips.

To: Albert M. Hawley, Superintendent.
From: Therman C. Ingram, agency relocation officer.
Subject: Review of relocation activities, fiscal year 1952 to present.

The Papago development program, May 1949, was submitted to the Secretary of the Interior by the Papago Tribal Council in connection with economical and social development of the tribe and the discharge of Federal Government obligations to the Papago Indians of Arizona. The objectives of the program were to establish an estimated 7,550 Papago Indian people on an economical level comparable to a rural population of southern Arizona.

It is estimated the present population is 7,550 people. A large portion of Papago people, between 3,500 and 4,000, obtain employment in the cottonfields during the season. A family will leave their village and remain in the cottonfields from 3 to 7 months of each year. The majority of the remaining people on the reservation stay here the year around. These consist of the aged, widows, orphans, welfare cases, or cattle raising and small irrigation farmers. A very small percent work at the bureau and installations throughout the reservation.

The Papago development program was used as a basis to cope with the acute

situation and immediate efforts were made to accelerate the development of available resources. But these resources after full development will only support approximately 400 of the 1,200 family units, which means that not less than 800 family units together with the normal increase in population must be permanently located off the reservation. Of these 800, they should be in 2 categories:

1. One-third, or 400 family units are to be absorbed in surrounding communities, such as in agriculture, mining, and urban areas throughout Arizona.

2. The other one-third or estimated 400 family units plus 1,500 younger surplus people that will reach employment age within the next 10 years, will be given out of State permanent relocation opportunities.

Aims and objectives of relocation

The recent trend of the Bureau of Indian Affairs is to develop a program of off reservation relocation.

Purpose.—The purpose of the relocation program is to facilitate the voluntary placement of Indians who are unemployed or who are underemployed, in appropriate year around employment, to encourage and assist their voluntary movement to areas such employment can be secured, and to assist in their adjustment in communities to which they go. In all cases, the Papago people are relocated out of the State of Arizona.

Objectives.—The objectives are to assist Indians to become self-supporting on a standard of living compatible with decency and health and to become a part of the normal social and economic life of the Nation.

Within the last 3 years, the Bureau of Indian Affairs has employed a full-time relocation officer on the Papago Reservation, with the office at the agency headquarters at Sells, Ariz. The relocation officer is charged mainly with the duties of assisting people who desire to relocate in large metropolitan centers of the United States. At present, we have field officers in Los Angeles and Oakland, Calif.; Denver, Colo.; and Chicago, Ill. The relocation office provides, in qualified cases, transportation, assistance for the applicant and his family, and also supervise and temporarily assist the family in the place where they are relocated. The relocation is not just a job in a distant city, but much more involved. The applicant and his family leave the reservation on a permanent basis.

Our relocatees come in two principal categories. The skilled, which have learned a trade through Bureau trade schools, public schools, or Armed Forces training, etc. Relocatees of this caliber make up about 10 percent. The other 90 percent have no particular outstanding hiring requirements, other than physical stamina and the willingness to work.

Through relocation, a family unit that meets the requirements and can adapt themselves to a new life, are furnished financial assistance if they are not able to make the expensive move on their own. The following is a sample and estimate on a family unit, and how the money is used:

1. Transportation from the reservation to point of relocation.
2. Subsistence en route.
3. Shipment of household goods.
4. Subsistence of \$30 per week up to 4 weeks or until first full paycheck has been received from new job.
5. Subsistence of \$10 per week, not to exceed 4 weeks, for all members of the family.

The family leaves the reservation as a unit in most all cases. A sample of a family unit of four, total expenses will be something like the following:

1. Transportation to destination (usually by bus or train).....	\$40
2. Subsistence en route.....	16
3. Subsistence at destination:	
(a) Head of household.....	120
(b) Dependents.....	80
Total expenditures furnished by the program.....	256

As a rule, they have little or no furniture to move. If they do have, it is shipped by the program.

The following data was taken from the agency files, on persons relocated from the time the relocation program was first introduced on the Papago Reservation:

Fiscal year 1952: Total persons relocated.....	22
Six families, totaling 22 persons, all going to the Los Angeles and Chicago areas. The program was introduced late in this year which accounts for the small amount of people leaving the reservation.	
Fiscal year 1953: Total persons relocated.....	35
Twelve family units make up this number of relocatees for the fiscal year 1953. These people were relocated in Los Angeles, Calif., and Chicago, Ill.	
Fiscal year 1954: Total persons relocated.....	78
Family units (15).....	57
Singles.....	16
Relocated without subsistence.....	5
Fiscal year 1955: Total persons relocated to date.....	124
Thus far this year a total of 124 people have taken relocation. There will be another 8 to 10 family units that will go before the end of this fiscal year—10 people, all singles, were self-financed during this fiscal year.	
Family units (33).....	84
Singles.....	40
Singles without financial assistance.....	10

It is yet too early to judge the results of relocation of the Papago people in the large metropolitan centers of the United States. However, in a recent survey of all Indian people on a national scale, the Papago Indian led all other tribes where the relocation program is in effect on a percentage basis, as having the lowest number of returnees. It is obvious to the agency that the Papagos in most cases can adjust themselves in a short time to an environment that is altogether different than what he has been accustomed to.

When the relocation program was first introduced on the Papago Reservation, there were only 22 people relocated. This was chiefly because half of the fiscal year had already elapsed and only \$2,000 was programed for financial assistance to relocatees. The second and third year, 1953 and 1954, there were also small amounts granted to the relocation budget, but was some larger than the previous year. However, this fiscal year 1955 to date, we received considerable more money for relocation than any other year. Our budget was increased to \$8,700 for financial assistance for relocation. Next year we are expecting even more. This will be necessary because more people are learning about the program and are realizing opportunities and services never before offered to them. If adequate money is made available, the Papago people will be in a better position to help themselves become better American citizens.

Beginning 1952 to date, 283 people relocated; cost of relocating a family, approximately \$250.

DEPARTMENT OF THE INTERIOR,

BUREAU OF INDIAN AFFAIRS,

PHOENIX AREA OFFICE,

Phoenix, Ariz., May 13, 1955.

HON. WILLIAM LANGER,

United States Senate, Washington, D. C.

MY DEAR SENATOR LANGER: We are submitting herewith the information you requested when you conducted the hearing on juvenile delinquency here in Phoenix last April 28 and 29. The attached copy of a letter from our Pima area field office indicates that wells for domestic water should be drilled to a depth of about 450 feet if good quality domestic water is desired. The water table in the Pima jurisdiction is considerably less than 450 feet but the salt content is so high that it is unfit for domestic use.

The following is the data you requested on electric power systems located on Indian reservations in Arizona:

Agency	Location	Source
Phoenix Medical Center. Phoenix school.	Phoenix, Ariz. do	Commercial power from Arizona Public Service Co. BIA owns distribution system. Commercial power purchased from Arizona Public Service Co. This company, it is believed, will soon purchase the outside plant.
Colorado River.	Parker, Ariz.	The Colorado River Irrigation Project Power System purchases energy from the Bureau of Reclamation for transmission, distribution and sale.
Fort Apache.	Whiteriver, Ariz.	This agency's electric distribution system was recently sold to the Navopache Electric Cooperative, an REA cooperative located at Lakeside, Ariz.
Papago.	Sells, Ariz.	BIA owns distribution system and some standby generation. The Tri-County Electric Cooperative (REA) has approximately 65 miles of line between Tucson and Sells which feeds the Papago distribution.
San Carlos.	San Carlos, Ariz.	Owned and operated by the San Carlos Indian irrigation project.
Truxton Canon.	Valentine and Peach Springs, Ariz. Supai, Ariz.	Mohave County REA Cooperative, Kigman, Ariz., owns distribution and supplies energy.
Pima.	Sacaton, Ariz.	BIA owns 10 kilovolt-ampere generation plants and distributes energy.
	Salt River	Owned and operated by San Carlos Indian irrigation project.
	Ak Chin.	BIA owns distribution system.
	Fort McDowell.	BIA owns distribution system which is about to be sold to Arizona Public Service Co.
	Gila Crossing.	BIA owns distribution which is in process of being sold to Salt River Power District.
Hopi.	Keams Canyon, Ariz.	BIA owns distribution. Salt River Power District may purchase this system.
		BIA owns and operates 2 250-kilovolt-ampere generators and distributes its own power.

You also requested information as to the infant mortality rate on the Papago Reservation. There is undoubtedly a greater than average loss of life among the infants under 1 year of age there. Unfortunately it is impossible to obtain an accurate statement of the rate of infant deaths occurring on the reservation because of the incomplete collection of vital statistics. To further complicate a true picture of the facts, all vital statistics on file at the Papago Indian Hospital prior to 1947 were completely destroyed by fire when the hospital burned. Immediately thereafter, however, an intensive program of gathering vital statistics has been accomplished, and of the certificates completed on the Papago Reservation for fiscal year 1953, the Papago infant mortality shows 108.3 per thousand live births. The Arizona State Health Department of Vital Statistics shows the infant death rate of Pima County, Ariz., 139.8 per thousand live births. This would include deaths of Indian infants in hospitals in the peripheral towns of the reservation—Tucson, Ajo, and Casa Grande, primarily, plus those recorded by the Bureau on the reservation. The Papago Reservation comprises about one-third of Pima County. The figure of 139.8 per thousand live births is considerably less than the 250 per thousand shown in the Papago development program which we feel has been based mostly on incomplete statistics.

I would like to correct one statement I made regarding medical officers' pay. The question arose as to the salary of most medical officers in the Bureau and I answered grade GS-12 to \$8,300. Instead, the answer should have been a salary range of GS-12 to GS-13, or from \$7,040 to \$8,360 per annum.

We will be glad to submit any other data you deem necessary.

Sincerely yours,

F. M. HAVERLAND,
Area Director.

PIMA AREA FIELD OFFICE,
Sacaton, Ariz., May 5, 1955.

Mr. F. M. HAVERLAND,
Area Director, Phoenix, Ariz.

(Attention: Mr. L. L. Nelson, Assistant Area Director.)

DEAR MR. HAVERLAND: Reference is made to Mr. Rupkey's memorandum dated May 2, 1955, subject "Depth to drill for domestic wells, Gila River Reservation."

Exclusive of the area adjacent to Maricopa well No. 1 and Gila Crossing wells Nos. 1 and 2, we believe the depths indicated for domestic water are too shallow. For instance, the above-cited memorandum states, "The depths to water table in the flood plain of the Gila River, wherein lies the Pima villages, varies from approximately 20 feet at Maricopa Colony and Gila Crossing to approximately 100 feet at Blackwater."

For information purposes, office records here indicate that the domestic well at the Gila Crossing Day School is in excess of 800 feet; Casa Blanca Day School, 300 feet; Blackwater Day School, 300 feet; Lower San Tan, 250 feet; and Upper San Tan, 350 feet. We note that the above-cited memorandum indicates that the domestic well at Sacaton is 250 feet deep. Apparently this refers to the old well, the water from which is entirely unfit for consumption due to the salts content. The domestic well at Sacaton drilled in 1948 is 540 feet in depth. Water from the Olberg well which is 230 feet deep is unfit for consumption and residents of Olberg are required to secure drinking water elsewhere.

The more shallow irrigation wells drilled in 1935 to a depth of 150 to 400 feet are being replaced with wells 500 to 600 feet in depth. Mr. Lee Blackwood of the San Carlos irrigation project, who possibly has a better knowledge of underground water than anyone, suggests that no domestic wells be drilled to a depth less than 400 feet, if good quality domestic water is desired. Possible exceptions being the channels of the Gila and Santa Cruz Rivers on the west end of the reservation. We concur with Mr. Blackwood, and believe that the average depth of domestic wells should be more nearly 450 feet.

Sincerely yours,

H. E. O'HARRA,
Administrative Officer.

Concurred in by:

MARVIN D. YOUNG,
Agency Land Operations Officer.

JOSEPH L. PACE,
Supervisor of Maintenance and Construction.

Senator LANGER. Did you want to say something else?

Mr. MANUEL. Yes; I wanted to say something about law and order. We have a lot of problems. We only have two policemen on our reservation.

Senator LANGER. You have 2 million acres of land and you only have two policemen?

Mr. MANUEL. Yes, sir; that is all we have.

Senator LANGER. A policeman for each million acres, that is right, isn't it?

Mr. MANUEL. Yes. So we would like to say that we need more policemen, a bigger police force for our Papago Reservation. We need some more policemen.

Senator LANGER. Do you have a jail?

Mr. MANUEL. We have a small jail which the Government, the agency built for us, I don't know when, I have just seen that when I was in there in Sells.

Senator LANGER. Now, as to these grazing lands that Mr. Hawley talked about, have the white men got any leases in there?

Mr. MANUEL. No, they tried, they are trying, some of the white men are trying to lease some of the rangeland, but we do need all of that rangeland for our cattle, for the Papago cattle.

Senator LANGER. How many head of cattle have you?

Mr. MANUEL. Oh, about around 9,000.

Senator LANGER. How many?

Mr. MANUEL. 9,000.

Senator LANGER. Are they owned individually, by individual Indians, or are they owned by the general community?

Mr. MANUEL. The general community—no, I mean by individuals. There are two or three big cattle owners on the reservation.

Senator LANGER. What is the most cattle that any individual owns in there?

Mr. MANUEL. Oh, 1,100.

Senator LANGER. Well, if a veteran comes along and wants to go in the cattle business with 10 or 15 head of cattle, can he get started or can't he?

Mr. MANUEL. Well, that is one thing that we are trying to find ways of doing, of handling our cattle.

Senator LANGER. Wait a minute. I want to get this straight. Here you have got a fellow, one man running 1,100 head of cattle on that land, and grazing is scarce. Mr. Hawley says, that is right, is it not?

Mr. HAWLEY. Yes, sir; that is right.

Senator LANGER. Now, I want to know why one man can have 1,100 head of cattle and yet a veteran comes along who wants to make a living with 15 or 20 head and there is not enough grazing land. Why is he barred and why can the other fellow run 1,100 head of cattle?

Mr. MANUEL. Mr. Senator, for that reason there are two districts now, in order to have better range management. There is one district that we call one district, and another is a district in the north end of the reservation.

Senator LANGER. Can you explain this cattle thing to me. Mr. Hawley?

Mr. HAWLEY. What was your question again, Senator?

Senator LANGER. He says that one man owns 1,100 head of cattle.

Mr. HAWLEY. I think Mark is a little wrong there. This is a family setup he is talking about, actually it is more than that. We have not been able to get a count on them, but there are between 1,500 and 2,000. This is a sort of a family empire, where the oldest Papago man in that family is actually in control, and then he has a sort of a family, clear down to his nephews, and they use one identification brand, but there are individual brands.

A nephew may have an individual brand, but he has that Toro indication brand on it. They control three-fourths of the district, and they have been in there ever since they established the reservation, which is back, I believe in 1917.

I have held three meetings with the district council for the purpose of trying to get them organized in their grazing, that is, to adopt a land code to manage grazing, and distribute the stock and so forth, but this family is powerful enough politically so that they actually are able to, not necessarily swing the district council, but they are strong enough to keep any action from developing.

Senator LANGER. In other words, some veteran wanting to start out with 15 or 20 head, there wouldn't be any land for him?

Mr. HAWLEY. It depends on what district he would want to start in. If he could get the cattle, and was in a district like, say, Pisinimo, why, we have room. But if he was in the extreme western half of, say, the district, he would have trouble.

You see, the range is already controlled by this sort of family empire.

Senator LANGER. How many members are there in this family?

Mr. HAWLEY. Counting the nephews and nieces and younger children, about 30 or 35.

Senator LANGER. And 2 or 3 or 4 men control all of that?

Mr. HAWLEY. That is right. There are six men, actually, and then they have a spokesman. In order to do business with them, they select leaders. It is a very aggressive group. I mean, it is a thing that all of us in Indian work and all of us that are Indians are trying to develop. This is a very aggressive family. They have that same trait as the white man has, of accumulating property. They have their own private attorney, and they pay him a retainer fee, and if they have trouble with the superintendent, they bring their attorney along, and we have to do business with him.

Senator LANGER. Are they powerful enough to have a superintendent fired?

Mr. HAWLEY. Not yet: they have not reached that point, but it is conceivable that they will.

Senator LANGER. And that is located in Arizona?

Mr. HAWLEY. Yes, sir.

Mr. CHUMBRIS. He has submitted some excellent reports, Senator. Father, did you want to say something?

Father BONAVENTURE. I have a few little remarks on conditions in the Papago country. I have kind of made a study of their country. I have been in it about thirty-odd years. I started at the beginning there. I started there with the board that made the reservation way back in 1917.

We made a thorough study of the country, and later on we helped, under the Reorganization Act, with Mr. Hawley, who is now area or assistant area director up there at Gallup.

Well, a year ago I sent in an evaluation of your bill, of the rehabilitation bill, that was reintroduced into Congress this year, and in that I explained to the Senator—I am sorry, I haven't got a copy here—the land system of the Papagoes.

Mr. HAWLEY. I have a copy of that, Senator, if you would like to have it.

Senator LANGER. I would like to have it. I am very curious about it. I want to know this, Does some polition have an interest with this family in controlling that land, a secret understanding or agreement?

Mr. HAWLEY. No: there isn't.

Father BONAVENTURE. The Papagoes still own the land under their own tribal way, the Papago Tribe is divided into pueblos, and each pueblo consists of families or clans, and each clan has its own farm property, and they form that village.

A group of these villages forms the pueblo. They are related villages, with the same clan stock.

And then they hold their property, according to their traditional way, that the district is the supreme owner, the pueblo, in other words, of all the property they have, and they have the definite right, we call it the fundamental right, the right in fee to ownership to that land.

Senator LANGER. You mean the family owns it?

Father BONAVENTURE. The whole group of districts, they are inter-related districts, they are made districts now, they were formerly called pueblos in the old evaluation of the Papago country back in the eighties.

Senator LANGER. How do these 6 fellows control that land so that they have 1,500 cattle, and a new man cannot get in there with cattle?

Father BONAVENTURE. When we had the reorganization, that was about the time we were working for it, the Government recognized the land ownership of the Papagos. The whole tribe does not own all the land, it is owned by the Pueblos, because there was no reservation, so they kept their traditional way of owning the land.

The cattle industry was the one that was causing the trouble then already, because the cattle of one district would trespass on the other because there was no fence.

Senator LANGER. I suppose this family owns the water, too; is that right?

Father BONAVENTURE. The town is composed of quite a few families. These districts number around 500 apiece, or some a little more. Down near Tucson is one, and the others are all out on the desert. They are located on both sides of the line. It was cut right in half, the Pueblos were cut in half, so they are on both sides of the line, and that is causing immigration trouble right now. But the way the districts were formed, we had the Government, through Senator Asher, fence in each district—

Mr. HAWLEY. There were nine on the main reservation.

Father BONAVENTURE. There were 9, and 1 more at Gila.

Senator LANGER. Will you tell me what you tried to do and the politician stopped?

Mr. HAWLEY. We have not been interfered with.

Senator LANGER. I thought you told me you tried to do something about these six fellows owning the cattle, and that they were so powerful, politically, that you could not do anything.

Father BONAVENTURE. There is something to that. You see they had their cattle roaming all over, and they were getting so big that the question of forage was getting to be very serious, so a census was made of the capability of the tribe, and they figured out each family could have 50 head of cattle, and since the land, the grazing land, belonged to the whole tribe, therefore, each man, or each district is entitled to 50 head of cattle to graze. Anything above that he has to pay a separate amount for. It wasn't everybody that had cattle.

These men, for instance Toro, is the main man. He must have had over 4,000 at that time, didn't he, about 4,000 head of cattle. That was Sanford of the family Toro, he was in the Chuichu District. That whole district hasn't enough land for 4,000 head of cattle, yet, he wanted to have the land fenced in for his own cattle. Then he wanted the census taken down, so that his cattle could roam in the other districts, but that would violate the rights of the others.

They have been fighting that ever since; that is where the trouble is.

Now later on, during the war period, so many of the families had to go out and work off the reservation, on account of conditions during the war. Now, when they went away they had to leave their cattle at home unguarded, and when they would go away, they never made enough money to carry them over for the rest of the year because living was so high they never made enough.

They had a new way of living, so now the few families have all the cattle in the whole reservation.

Senator LANGER. Just a few families have all the cattle?

Father BONAVENTURE. It was pot politics, but it is not right.

Senator LANGER. Mr. Hawley said it was politics.

Father BONAVENTURE. Well, it is politics, of course, in one way.

Mr. HAWLEY. The good father touched on the problem that we have in trying to organize these districts, and that is where we run into terrific opposition from the large cattle owners, because the land code will regulate the grazing, and the use of the land. We have two districts already organized.

Senator LANGER. You said that these six families owned some of that land; is that right?

Mr. HAWLEY. No, sir; they control the grazing rights, that is actually what it amounts to.

Senator LANGER. You said they had some kind of fee or something, in order to apportion it that way.

Father BONAVENTURE. If they had over 50 head, they would have to pay to the district 50 cents grazing fee to reimburse the other people for the loss of their rights.

Senator LANGER. Do these gentlemen pay any taxes, either real estate or personal?

Father BONAVENTURE. They did not until some years ago. They kept on fighting that. They refused to pay; you see, he is only entitled to 50 head of cattle. He was really due to pay \$2,000 annually for his grazing rights for the whole district. And nobody else could have it. He refused to do that. He said he had always been grazing his cattle before for nothing, and it wasn't right to charge for grazing on land that belonged to him.

So we didn't know what to do. The chairman at that time came to California to see me, and he said if that is the case, the only thing I can advise you to do is to take it up and see if he has paid his income tax.

Well, he took it to court and fought it for years and years, but that was the way we could get him.

Senator LANGER. Does he pay an income tax?

Mr. HAWLEY. Yes; they pay an income tax now. However, there is this fee that he is talking about. I believe later on that was changed, and if I am wrong, you correct me: The tribe has a sales tax of 3 per cent on sales on the price of each animal that is sold, and this goes into the tribal fund to take care of the expense of the tribal government.

Senator LANGER. Do these families control the tribal councils, or don't they control them?

Mr. HAWLEY. No; they don't. They pretty well control the district council, but they do not control the tribal council.

Senator LANGER. And their name is Picadores?

Father BONAVENTURE. No; Toro. That was the great-grandfather's name.

Senator LANGER. I always thought that the Indian people were different than anybody else, that they gave away their property and divided it up.

Mr. HAWLEY. Well, that is not so with some of the Papagos we have. You know, I have a feeling that eventually, if we don't get these districts organized, 2 or 3 cattlemen are going to control all of the grazing. That is why we are trying to accelerate the adoption of the land code. Mark's district was the first district to organize.

We finished this spring and then we have two more, the Jicajuana and I think we had four meetings with the Pisinimo.

Senator LANGER. I sure wish you good luck.

Mr. HAWLEY. We are going to do it, isn't that right, Mark?

Mr. MANUEL. Yes, sir.

Senator LANGER. Wait a minute, now. Where is that tribe where they have this high death rate?

Mr. CHUMBRIS. That is this particular tribe.

Senator LANGER. I want to find out why they have that terrific death rate.

Mr. HAWLEY. Well, I think that the main reason for the high death rate is because of the fact that a large number of Papagoes have a very, very low income, and they are poverty-stricken people, with poor housing, insufficient clothing, malnutrition, lack of food, and improper diet.

Senator LANGER. Now, I am going to tell you beforehand, I am going to quote you on this report in connection with this particular tribe, and I want you to know that, I don't want you to lose your job or anything, but I am going to quote you, because I think something is radically wrong when you have that kind of a death rate.

Mr. HAWLEY. Traditionally the position of the Papago to modern medicine has, of course, had a lot to do with it, and then lastly, the lack of modern health facilities on the reservation proper.

Senator LANGER. Are they worse than on other reservations?

Mr. HAWLEY. I would say, yes, sir, those that I have had experience with, which has been about 9 or 10 of them in the past 23 years.

Senator LANGER. In what way is it worse?

Mr. HAWLEY. One of the reasons is the fact that they do not have a hospital on the Papago Reservation proper. It burned down in 1947. We do have a hospital over at San Xavier, which Mark described, which is about 70 miles from headquarters.

Senator LANGER. When this hospital burned down, why wasn't it rebuilt?

Mr. HAWLEY. I don't know.

Mr. CHUMBRIS. Mr. Haverland, I believe, has the answer to that.

Mr. HAVERLAND. The hospital was not rebuilt because it was anticipated at the time that the hospital at San Xavier and the county hospital at Tucson would be adequate for the tribe. It is my understanding that the Public Health Service and the Bureau have been collaborating in attempting to get an appropriation for a hospital at Sells. But I don't believe they are going to get it in the 1956 budget. But we just had a visit from the Bureau of Budget, reviewing the thing, a construction of a hospital at Sells.

Mr. STEVENS. It has been turned down by Congress, too, Senator.

Mr. HAVERLAND. We are working on it at the present time.

Father BONAVENTURE. Mr. Hawley is correct about the causes of the high death rate. The real fundamental cause of the high death rate is the fact that caused the same trouble as with the cattle, they had to leave the reservation to work, and they got into insaniary, migratory labor conditions in the border towns.

Dr. Salsbury exposed some of them. They brought back any amount of disease on the reservations, and the children are dying right over there with any amount of communicable diseases, a lot of diseases which were due to that. Isn't that right?

MR. MANUEL. That is right.

FATHER BONAVENTURE. Migratory labor brought about the biggest damage they have had. They have had to work under unsanitary conditions, and with the lowest class of people that can be gotten. That was the real cause of the death rate.

SENATOR LANGER. Don't you know of some young doctor in Phoenix who wants to make a national reputation for himself, so that the whole world will know that he did a good job, who will go out there and clean that situation up?

FATHER BONAVENTURE. That is the first thing they have to do, is to clean up the labor situation, because the Papagoes—

SENATOR LANGER. Well, gonorrhea is not bothering people now, they cure it with penicillin in 20 hours.

FATHER BONAVENTURE. But these diseases that are caught up there, there are all kinds of diseases, and they are brought in by people from all over the world; from Mexico, especially.

SENATOR LANGER. Well, people from all over the world don't come to the reservation; do they?

FATHER BONAVENTURE. But they do come between Tucson and Phoenix, where they work, in the Gila Bend district. That is where all of this migratory labor is.

SENATOR LANGER. Will you read that record again, Mr. Chumbris, as to the death rate?

MR. CHUMBRIS. Out of 260 children, 25 percent died the first year, before they were 1 year old; 40 percent died before they reached 6 years of age; and 52 percent died before they reached 18 years of age.

FATHER BONAVENTURE. Yes, sir; these diseases were contracted, and there is no way to fight it.

SENATOR LANGER. Do the men from the other reservations go off to work and come back home with that?

FATHER BONAVENTURE. Not so many. We have the bulk of them here. They are too far away. There are a few Apaches down there, and you have had complaints about them.

MR. CHUMBRIS. Dr. Salsbury testified this morning that there are 132 deaths per thousand in Arizona among the Indian population, and only 28 per thousand among the non-Indians.

SENATOR LANGER. Yes. But how many died over there in this reservation?

MR. CHUMBRIS. He said it was even higher there.

SENATOR LANGER. What is the rate?

MR. CHUMBRIS. He did not give it this morning. He said he did not have a breakdown on the figures on the Papago Reservation.

SENATOR LANGER. I will tell you, I think that if you get those figures and put them up to the Appropriations Committee, that you will get that hospital.

MR. CHUMBRIS. I think Mr. Haverland said that we do have figures in the different reservations and they will be submitted to the subcommittee.

SENATOR LANGER. How long will it be before we get them?

MR. HAVERLAND. I was told that it was not in the 1956 budget, because they were unable to complete the study at the Bureau of Budget level.

Mr. CHUMBRIS. I don't think you understood the question. You had a breakdown on figures on the different reservations in Arizona, as to health conditions, types of illnesses, number of deaths, and so forth; those statistics.

Mr. HAVERLAND. I don't know whether they are available, but if we can get them we will present them to the committee.

Mr. CHUMBRIS. Because Dr. Salsbury said—

Senator LANGER. How much would that hospital cost?

Mr. HAVERLAND. I think \$2 million is the figure they are shooting for, is that correct, about \$2 million?

Mr. HAWLEY. Yes, that is correct, Mr. Haverland, but that includes all of the outlying developments, that includes your housing for the staff, and that type of thing.

Mr. HAVERLAND. You might be interested, Senator, in the fact that I was talking to a Public Health Service communicable-disease control gentleman the other day, and he indicated that much of the intestinal difficulty that we are experiencing in these general areas comes about through a lack of water. Sanitation is quite difficult to maintain without water, and we certainly have a water problem on this reservation.

That is another contributing factor, also.

Senator LANGER. What was the death rate before the hospital burned down?

Mr. HAVERLAND. I do not have that presently, Senator.

Father BONAVENTURE. It was not abnormal, at all.

Senator LANGER. What did you say?

Father BONAVENTURE. I say, it was not abnormal at all, before that, nothing like now.

Mr. CHUMBRIS. In other words, the condition has gotten worse since the hospital burned down?

Father BONAVENTURE. It happened about the time that this wholesale immigration from the reservation began taking place.

Senator LANGER. Now, Father, you have built hospitals all over the country. Why haven't you built a hospital out there?

Father BONAVENTURE [rubbing fingers together.]. You cannot build on faith. They do not honor your faith in the banks.

Mr. CHUMBRIS. I guess when you did this, Father, that means a lack of money, doesn't it? [Indicating.]

Father BONAVENTURE. That is right.

Senator LANGER. I am very much disturbed over the fact that you say it will not be in the budget this year.

Mr. HAVERLAND. It will be in the 1957 budget.

Senator LANGER. That will be 2 years. Then how long will it take to build the hospital?

Mr. HAVERLAND. I would say that a year would certainly not be too short a time to predict. It would probably take longer than that.

Senator LANGER. And in the meantime these people are going to keep on suffering for the next 3 or 4 years?

Mr. HAVERLAND. Senator, they are getting hospitalization in Tucson, and at the bureau hospital at San Xavier. It is the problem of additional mileage, that is true, and it is also true that this particular group of people happen to be at that stage in their culture where I think they will stay on the reservation and go to their hospital, which would be better than going off. As I stated before, at the time

the hospital burned down, there were Indians that we would be able to take care of through these other facilities, and that is what has been taking place.

It has only been in the last few years that they have once again asked for the reestablishment of a hospital at Sells.

Senator LANGER. Who came out from the Bureau of the Budget?

Mr. HAVERLAND. A Mr. Fee, I believe he is a staffman, so far as I know.

Senator LANGER. Was he a doctor?

Mr. HAVERLAND. No, sir.

Senator LANGER. Do you know anything about the gentleman, at all?

Mr. HAVERLAND. No, sir. It was the first time I met him. He did go out on the reservation, however, with our medical staff.

Senator LANGER. Where is your medical staff?

Mr. HAVERLAND. We have a doctor in the area office, the area medical officer, we have a hospital manager, a hospital management assistant, who also accompanied this individual. I don't know whether your doctor from San Xavier went up with him or not.

Mr. HAWLEY. Yes, and Mark went with him, and Dr. Pratrey went with him, and one of the nurses.

Mr. HAVERLAND. And the area medical officer.

Mr. HAWLEY. And a doctor from the Public Health Service, from the Washington office. He flew in to Tucson and he bypassed here.

Senator LANGER. How long was that staff member out there?

Mr. HAWLEY. He was there for about 5 hours.

Senator LANGER. Where did he come from?

Mr. HAWLEY. From Washington, D. C.

Senator LANGER. And he stayed 5 hours?

Mr. HAWLEY. Yes, sir.

Mr. HAVERLAND. I believe we convinced him, however, Senator, on the need for the hospital.

Senator LANGER. Well, you didn't do such a good job if you are only going to start in 1957.

Mr. HAVERLAND. The 1957 budget is presently before Congress, or the 1956 budget is presently before Congress.

Senator LANGER. You know that they can put it in the budget, any time they like, and they are not going to adjourn until July 31. They have all the opportunity in the world to get that hospital into this budget. Did you ever take it up with Carl Hayden?

Mr. HAVERLAND. No, sir. I generally work through the Bureau office in Washington. [Laughter.]

Senator LANGER. Carl Hayden is chairman of this Appropriations Committee, and you and your associates, especially you, Father, you are more to blame than anybody, because Carl Hayden is a very big-hearted man, and if you go to Carl Hayden, and you write him a letter and send me a copy of it, make it rough and make it tough, you can get that hospital in there, and you can get it much sooner than you expect.

Father BONAVENTURE. Carl wants it already.

Senator LANGER. He is chairman of the committee and he can get the hospital for you, and if he understands the problem, Carl Hayden will do it. He is just that kind of a fellow. It evidently has not been

brought to Mr. Hayden's attention forcibly enough. Did you ever write him?

MR. HAVERLAND. No, sir; I have not. I frankly do not believe that it is my position to do more than we have done in bringing it to the attention of our office. I feel that they have discussed the matter quite extensively, although I do not know that for sure.

SENATOR LANGER. Well, it is very funny what a Senator can do sometimes when he gets a little pressure placed on him.

FATHER BONAVENTURE. Well, I will start my little pressure. We want to get the death rate down.

SENATOR LANGER. Very good. Now, we would like to have the death rate before the hospital burned down and the death rate since it burned down.

MR. HAVERLAND. May we submit that later?

SENATOR LANGER. Very soon.

MR. HAVERLAND. We can mail it to you in Washington.

SENATOR LANGER. Very well.

We will take a 5-minute recess.

(Whereupon, a brief recess was taken, after which the following proceedings were had:)

SENATOR LANGER. Will you proceed, please?

MR. O'HARRA. My name is Herman O'Harra, and I am administrative officer of the Pima area field office.

On my left is Mrs. Lulu Smith, a member of the tribal council at Fort McDowell.

On my right is Jay Morago, Jr., governor of the Pima-Maricopa Community Council, on the Gila River Reservation.

Further over is Nelson Jose, judge of the tribal court.

SENATOR LANGER. I want to welcome you all. I am glad you came to testify.

MR. CHUMBRIS. You may proceed, Mr. O'Harra.

TESTIMONY OF HERMAN E. O'HARRA, ADMINISTRATIVE OFFICER, PIMA AREA FIELD OFFICE, SACATON, ARIZ.

MR. O'HARRA. I have a report for the record, and will review it very briefly.

The Pima area field office has jurisdiction over four Indian reservations, namely, Gila River, Salt River, Fort McDowell, and Maricopa. Headquarters for the 4 reservations is located at Sacaton, Ariz., which is about 50 miles southeast of Phoenix, located on the Gila River Reservation, which has an area of some 372,000 acres, and an Indian population of about 5,260. And it is roughly 60 miles in length and 20 miles wide.

The Salt River Reservation lies just east of Scottsdale, some 38 miles from Sacaton. That has a land area of some 46,000 acres and an Indian population of 1,290, or close to 1,300.

Fort McDowell joins the Salt River Reservation on the north and extends up the Verde River approximately 10 miles. Fort McDowell is approximately 60 miles from Sacaton. It has a land area of almost 25,000 acres, and an Indian population of about 250.

The Maricopa Reservation lies some 30 miles southwest of Sacaton and has a land area of about 22,000 acres, and an Indian population

of about 150. This Maricopa Reservation is northwest of Casa Grande.

Senator LANGER. Did you say there were about 150 on that reservation?

Mr. O'HARRA. Yes. All told, there are about 465,000 acres, and an Indian population of nearly 7,000 people.

I will review briefly law and order. We run into a budgetary problem with law and order for that population of 7,000 Indians. We have two regular policemen to police the entire area.

The Gila River Tribe does appropriate about a thousand dollars a year for extra policemen, and the Salt River Tribe employs an extra policeman part time, so for that entire population, we only have two regular policemen.

Now I will go into a brief résumé of juvenile offenses, or rather, I should say that this report goes into the juvenile offenses. This is in our county superior court in Pinal, and the tribal court in the Pima-Maricopa Indian community, and also in the Federal courts.

Then the report has a brief résumé of educational activities. It indicates that there are 7 day schools that have a total number of schoolchildren of school age of approximately 2,300, with 900 in our Indian schools, and with 311 in parochial schools—

Mr. CHUMBRIS. That was 900 in Indian schools, and how many in parochial schools?

Mr. O'HARA. Three hundred and eleven.

Then there are 87 children at various Indian boarding schools. There are 755 children attending public schools. There are 10 children attending special vocational schools and colleges. Then children not in school for various reasons, including physical, mental, marriage, and 36 without valid reason, 78. Children on whom definite information is not available, 158. Children over the age of 18 attending schools, 88.

Then there is a section devoted to health activities, a brief résumé, and that will indicate that we have a modern hospital, completely equipped, but not completely staffed, due to budgetary limitations.

Mr. CHUMBRIS. Now you have approximately the 2,293 children from 6 to 18 years of age. Is that correct?

Mr. O'HARRA. That is right.

Mr. CHUMBRIS. On the law and order, how many would you say have been in trouble of those 2,293?

Mr. O'HARRA. Well, the last 9 months indicate 19 that have been before the tribal court.

Mr. CHUMBRIS. 19 in 9 months of the entire 2,293?

Mr. O'HARRA. That is in the tribal court. In the Pinal County superior court, there have been 20. That includes some of Mr. Hawley's Papagos and it is a total of 20. I don't have the breakdown. Among those there has only been one major offense.

Mr. CHUMBRIS. Only one?

Mr. O'HARRA. Yes, sir.

Mr. CHUMBRIS. How about Federal court? Do you have any in Federal court?

Mr. O'HARRA. In 1953 and 1954 there were 33.

Mr. CHUMBRIS. I mean juveniles. What would they be charged with.

Mr. O'HARA. Those are all from the jurisdiction. They are all from the Gila River and Salt River and Fort McDowell.

Mr. CHUMBRIS. I mean what type of offense were they charged with? Were they charged under the Federal Juvenile Delinquency Act?

Mr. O'HARRA. Yes, sir. Most of them were for theft.

Mr. CHUMBRIS. Were there any of them for carrying automobiles across State lines?

Mr. O'HARRA. It does not give it here. There were three cases of rape.

Mr. Cox. I believe all that were charged on this list, weren't they tried as adults instead of under the Juvenile Delinquency Act?

Mr. CHUMBRIS. These 33 were 15 or 16 years of age. All right, you may proceed. By the way, Mr. Cox, did you get your name into the record?

Mr. Cox. I guess I have it there now.

Mr. O'HARRA. I want you to know that the Pinal County superior court had a total of 1,719 cases, of which 81 were Indians. That was in 1953. Then in the year 1954, there was a total of 1,886 cases, of which 52 were Indians. In other words, it showed a total increase of 1954 over 1953, yet there was a decrease in the number of Indians. This report will also include a brief résumé of health activities. We have a modern hospital down there, as I said, completely equipped, a 32-bed hospital. However, it is not completely staffed.

Mr. CHUMBRIS. You say 32 beds?

Mr. O'HARRA. It is on the budget for 95 beds. It is not completely staffed due to the budgetary limitations.

This report also will have a brief résumé of welfare activities. It will include statistical data on each of the reservations and so on and so forth. I will leave that for the record.

Senator LINGER. All right, fine. That may be incorporated at this point.

(The document referred to above attached to letter dated April 27 was marked "Exhibit No. 13," and is as follows:)

EXHIBIT No. 13

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
PIMA AREA FIELD OFFICE,
Sacaton, Ariz., April 27, 1955.

HON. ESTES KEFAUVER.

*Chairman, Juvenile Delinquency Subcommittee,
Washington, D. C.*

DEAR SENATOR KEFAUVER: Attached hereto you will please find information and data in connection with juvenile delinquency, law and order, health, welfare, education, and related information concerning Indians under the jurisdiction of the Pima area field office.

I trust the attachments will serve the purpose of the subcommittee. In the event further information is desired, please so advise.

Very truly yours,

H. E. O'HARRA,
Administrative Officer.

PIMA AREA FIELD OFFICE,
Sacaton, Ariz.

EDUCATION ACTIVITIES ON THE PIMA JURISDICTION

The most important element in the educational program on Pima is the change from Indian Service-operated schools to attendance in public schools by all Indian children. More than 98 percent of the Pimas speak English, they are now accustomed to attending school, and, with schools available, the need that once existed for special Indian Service-school facilities is ceasing to be a fact. The actual changeover is not complete, but it is well on its way. Everything that is done in the schools operated by the Government has this aim in mind and takes such shape as using the same texts as prescribed for the State schools, following the Arizona course of studies and, as the opportunity arises, abolishing federally operated schools where children can attend public schools.

Following are some of the facts concerning schools and schoolchildren on the Pima jurisdiction:

Total number of school-age children on the jurisdiction_____ 2,293

Number of Federal schools is 7:

Pima Central School, Sacaton_____	224
Salt River School, near Mesa_____	303
Santan School, 5 miles from Sacaton_____	84
Gila Crossing School, near Laveen_____	114
Fort McDowell School, at Fort McDowell ¹ _____	17
Casa Blanca School, near Bapchule_____	129
Blackwater School, near Coolidge_____	28
	<hr/> 899

Number of mission schools, 3: St. John's Indian school near Laveen, St. Peter's school at Bapchule and, recently, a small Seventh-day Adventist school near Laveen_____

Children at various Indian boarding schools_____	87
Children attending public schools_____	755
Children attending special vocational schools and colleges_____	10
Children not in school for various reasons, including physical, mental, marriage and 36 without valid reason_____	78
Children on whom definite information is not available_____	158
Children over the age of 18 attending schools_____	88
Number of public high-school seniors this year_____	16
	<hr/>

Education employees 1954-55:

Reservation principal_____	1
Clerks_____	1
School principals_____	2
Principal teachers_____	3
Elementary teachers_____	26
Vocation instructor and field agent_____	1
Cooks and housekeepers_____	9
Bus drivers_____	11

¹ Fort McDowell will be closed next year.

Education budget 1954-55, \$285,995 (does not include surplus commodities or special milk-program benefits). Per pupil costs based on 1954-55 enrollments, \$318.

Some of the main problems affecting the Pima educational program are listed below:

1. Adjustment of Indian children to the public school requirements, such as paying for their school lunch, providing fees for books and other supplies and activities, and competing with more naturally competitive children in the classroom.

2. School attendance enforcement: the conflict between tribal jurisdiction and State for enforcement of school laws.

3. Lack of Pima participation in voting, particularly in school board elections for Casa Grande High School District No. 82, Sacaton Elementary School District No. 18, and Coolidge Elementary School District No. 21.

4. Problem of having all of Pima jurisdiction included in regular school districts, annexation by several districts of certain areas is being contemplated or encouraged.

5. Securing adult participation in the planning of local school programs. This varies in different districts and local PTA organization movements are being advocated as approaches.

6. High cost of bus transportation due to inadequate unpaved bus routes.

7. Inability, because of congressional limitations, to secure much needed school bus replacements.

In general, the solution to problems of Indian public school participation is progressing. The Pima people, themselves, appear to be desiring it more and more (as opposed to a local decidedly negative vote 3 years ago) and administration and boards of trustees of surrounding areas have been, in general, cordial to attendance of Indian pupils. Through the facilities of the Johnson-O'Malley Act and benefits of Public Law 815, many local problems are working out of their own accord.

HEALTH ACTIVITIES ON THE PIMA JURISDICTION

The center of health activities on the Pima is the hospital at Sacaton. It is well built and attractive. It has a capacity of 32 beds. Two doctors, seven nurses, and a director of nurses comprise the professional staff. They are assisted by 17 other employees, including 3 trained practical nurses, a laboratory technician, attendants, cooks, clerks, and maintenance personnel. Recently their average daily load is running 24.4 patients per day with 30 to 40 outpatients treated daily in the clinic. Finances are meager as they are based on a 24-bed budget which allows \$140,000 for the year.

The hospital has a well-equipped surgery, but a surgical program is not feasible because the staff is not large enough to support it. Only emergency surgery is practiced and the rest transported to Phoenix Medical Center for this reason. Probably the largest number of cases treated arise from alcoholism. Indirectly, alcohol contributes to the high number of accident cases treated. In fact, the accident rate is as high as that of the leading diseases. These leading diseases are tuberculosis, diabetes with its attendant complications, and infant diarrhea. Venereal disease, while a great problem some years ago, now is only a minor part of the cases treated.

Aside from the clinic at the hospital, doctors from the hospital help at the Gila Crossing and Salt River clinics conducted by Public Health nurses. They also assist in the school physical examination and inoculation programs although these normally would be a function of the Public Health unit if it were normally staffed.

The Public-Health unit with its mobile clinic and centered at Casa Grande serves Pima as well as Papago areas. On the Pima are stationed Public Health nurses with their aides plus a sanitary aide. The mobile clinic visits on regular schedule Statonic, Blackwater, Caso Blanca, Ak-Chin, Gila Crossing, Fort McDowell, and Lehi on the Pima jurisdiction. It is complete with X-ray, dental equipment, refrigeration for sera and medicines. It has been handicapped by lack of operating personnel, primarily doctors. One of the major purposes of this unit is preventive medicine, including vaccinations, well baby and prenatal clinics.

Contacts of the health programs with the Pima people have been greatly aided by a committee from the tribal council called the health and welfare committee. The members are tribal representatives from various communities who maintain individual contacts and have done much toward explaining the medical program to the people and making it work. A recent example is their work on the polio inoculations which appears to be quite successful.

Several real handicaps to the health program are lack of funds to operate and to secure personnel, inadequate roads, and old worn-out motorized equipment. On the adequate side of the ledger lie a small but fine hospital, the support of most Pima people and a population more able to speak English and understand modern health practices than on other reservations in the Southwest.

As with other installations, Pima health activities will be under the administration of the United States Public Health Service, effective July 1, 1955. Steps are now being taken to make an orderly transfer of these activities.

WELFARE

The agency social-service worker is responsible for providing social services and assistance to eligible Indians and for obtaining and developing additional services as needed.

Working closely with the social worker is a welfare committee representing each district (there are eight such districts). This committee, composed of leading Indian men and women, is appointed by the tribal council. This committee interprets to their people in the district the policies and services of the social service division and bring back to the worker the people's problems and needs. These are discussed in monthly staff meetings. Outside speakers are often present. Many of the meetings are open meetings and the entire community is invited to hear and participate. For instance, Harry Holland of the Social Security Office spoke to our Indian families about social security—what it is, how it can affect their lives, etc.

Every effort is made to keep and strengthen family ties. Through counseling and other services the worker tries to help the family and adults to work out a solution to their problems and to make a satisfactory social adjustment. Well-integrated and happy families decrease juvenile delinquency. Protective services to children are also provided when they are not available or provided by the State and local agencies. This may include educational plans as well as foster-care placement. Close cooperation and joint planning has been maintained between various social agencies to facilitate the extension of all local, State, and Federal welfare programs to include Indians. The welfare committee has also discussed and initiated such projects as local recreational programs and summer camps. Efforts are now being made to establish a nursery for working mothers.

General assistance is given on an average to 65 families a month. These families could not meet State requirements for one reason or another. In the State of Arizona general assistance has been denied to Indians living on the reservation. An attempt to secure assistance from the counties to the totally and permanently disabled, living on the reservation, has not been successful to date.

There are approximately 31 children in foster care; 15 in homes, and 16 in institutions. Service is given to 38 children who are in their own home.

The Pinal County Department of Public Welfare at Florence, Ariz., has granted the following assistance:

Old-age assistance.....	218 persons.
Aid to dependent children.....	125 families.
Aid to the blind.....	7 persons.

Caseload of Indian children in foster care as of Mar. 31, 1955

Foster homes.....	15
Institutions	16
Total cost per month:	
Foster homes.....	\$565
Institutions	1, 283

The above children in foster care for the following reasons:

Unfit homes.....	10
Broken homes.....	2
Delinquent	7
Dependent	3
Handicapped (physical 5, mental 4).....	9

GILA RIVER INDIAN RESERVATION (GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY)

Incorporated under act of June 18, 1934 (40 Stat. 984) constitution and bylaws approved May 14, 1936. Corporate charter ratified February 28, 1948. Population, 5,260 (1950 census).

Community council

Jay R. Morago, Jr.	-----	Governor
Richard Milda	-----	Lieutenant Governor
Rogene Jackson	-----	Secretary (nonmember)
Freeman Walker	-----	Treasurer (nonmember)
John Johnson, Sr.	J. Marago, Sr.	Mark Wilson
Daniel Jackson, Jr.	William Nelson	Clarence Rivers
Luke James	Rudolph Johnson	Paul Bread
Henry Schurz	Marianda Johnson	Josia Charles
Loyde Allison	Richard Milda	Joseph Niff
Edison Evans	Fernando Brown	

Land

Area:	Acres
Tribal	273, 062
Allotted	97, 960
Government	1, 000
Total	372, 022
Number of allotments (60 percent in heirship status)	4, 898

Total irrigable area:	Acres
San Carlos project	44, 700
Other	15, 600
Total	60, 300
Acres, Indian-operated, 1952	17, 500
Number leases to non-Indian	25

Schools

Number day schools	5
Total enrollment	579
Number children in mission schools	311
Number children in public schools	575
Number children in other schools	144

Roads

Miles of Bureau-maintained roads:	
1. Primary	103.2
2. Secondary	75.3
3. Trails	165.8
Miles of road turned over to counties	34.9
Miles in process of being turned to counties	15.0

Health

Thirty-two bed modern hospital. Two physicians, 1 director of nurses, 8 staff nurses, and related employees, 17—total, 28. Serves entire jurisdiction Gila River, Salt River, Fort McDowell, and Ak-Chin Reservations—2 Public Health nurses.

Income

Median income per family (1952):	
1. From agriculture and stockraising	\$750
2. Other sources including wages (exclusive of welfare)	1, 500

Major problems

1. Irrigation water (San Carlos irrigation project, joint works).
2. Domestic water.
3. Fractionated land status.
4. Law and order.

SALT RIVER INDIAN RESERVATION

(Salt River Pima-Maricopa Indian Community)

Incorporated under act of June 18, 1934 (40 Stat. 984). Constitution and by-laws approved June 11, 1940. No corporate charter. Population, 1,290 (1950 census).

Community council

Billman Hayes.....	Chairman
Clarence Wellington (nonmember).....	Secretary-Treasurer
Myra Dodson.....	Member
Dixon Andreas.....	Member
Lemuel King.....	Member
Joseph Thomas.....	Member
Michael Andrews.....	Member

Land

Area:	
Tribal.....	38, 191
Allotted.....	8, 333
Government.....	103
Total.....	46, 627
Number of allotments (65 percent in heirship status).....	974
Total irrigable area:	
Project.....	9, 800
Pump land.....	2, 894
Number acres Indian operated, 1952.....	2, 693
Number leases to non-Indian.....	152
Acres.....	9, 800

Schools

Number day schools.....	1
Total enrollment.....	303
Number in public schools.....	189
Number in other schools.....	48

Roads

Miles of Bureau-maintained roads:	
1. Primary.....	9.5
2. Secondary.....	34.5
3. Trails.....	28.3
Miles of road turned over to counties.....	3
Miles of road in process of turning to counties.....	8

Health

One public health nurse: Indian population have access to Phoenix Medical Center and Pima Hospital, Sacaton.

Income

Median income per family (1952):	
1. From agriculture and stockraising.....	\$750
2. From other sources including wages exclusive of welfare.....	2, 500

Major problems

1. Fractionated land status.
2. Rights-of-way, city of Phoenix.

PHOENIX AREA OFFICE

1. *Reservation*.—Fort McDowell.
2. *Superintendent*.—Herman E. O'Hara (administrative officer in charge).
3. *Tribal council*.—Fort McDowell-Mohave Apache Indian Community Council:

Ben Kill.....	President.
Felix Pattea.....	Vice President.
Roy Stacey.....	Treasurer.
Lulu Smith.....	Member.
Walter Dickson.....	Secretary.

4. *Historical*.—The Fort McDowell Reservation was established by Executive order of September 15, 1903, after serious trouble was threatened between whites and Indians living on Old Camp McDowell Military Reserve, which had been turned over to the Interior Department February 14, 1891, for disposal under provisions of the act of July 5, 1884. The military reserve had been established January 1, 1873, as a feeding post for the Indians who had lived in the Verde Valley for generations.

Lands of the white squatters on the reserve were acquired by quitclaim deeds and lands of settlers with valid claims were purchased.

The Indian population is mostly of Mojave Apache stock akin to the Yavapai rather than to the Apache Tribe.

The Indians had considerable trouble maintaining their ditches prior to recent years, due to floods in the Verde River and tributary washes crossing the ditches. This difficulty has been reduced by construction of works to protect the main ditch.

The Indians have considerable interest in the livestock industry because of the fairly good desert grazing available on the reservation.

5. *Statistical.*—

(a) Population, 202.

(b) Principal economy; livestock and irrigated farming, supplemented by day labor.

(c) Resources:

(1) Total reservation acreage, 24,680 acres; tribal lands, 24,680 acres; allotted lands, none; public domain lands, none; irrigated lands, 600 acres.

(2) Timber: Tribal, none; allotted, none; public domain, none.

(3) Livestock: Tribal owned, none; individually owned, 300 head.

(d) Education and health:

(1) Health: Number of Indian service hospitals on reservation, none; number of full-time clinics on reservation, none; number of Indian Bureau (PHS) physicians available to Indians on reservation (see Gila River); number of contracted health institutions or facilities available to Indians, none (except State hospital for insane).

(2) Education: Number of federally operated schools on reservation, 1 (to be closed 1955-56); number of public schools available to Indian pupils, 2; number of mission schools, none.

6. *Budgetary information, funds allotted to reservation fiscal years 1953 and 1954.*—

General administrative expense. (See Gila River.)

Construction:

	1953	1954
Irrigation	\$5,000	\$5,235

Building and utilities. (See Gila River.)

Health, education, and welfare. (See Gila River.)

Resources management:

Forestry. (See Gila River.)

Agricultural extension. (See Gila River.)

Credit. (See Gila River.)

Soil and moisture conservation. (See Gila River.)

Roads. (See Gila River.)

MITP. (See Gila River.)

MOBU. (See Gila River.)

Irrigation	1,000	800
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7. *Main problems, disagreements among the Indians regarding landholdings.*—

MARICOPA (AK-CHIN) RESERVATION

(Maricopa (Ak-Chin) Band of Papago Indians)

Not incorporated under act of June 18, 1934. No approved constitution and bylaws. Population, 139 (1950 census).

Community council

No elected community council. General council, of which Jaun Norris is chairman, and George Lewis, secretary.

Land

Area:

	<i>Acres</i>
Tribal	21,840
Irrigated area operated by Indians	600

Number of improvement leases to non-Indians	12
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Number acres leased	11,200
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Schools

Day schools, none. All children attend public school in town of Maricopa.

Roads

Miles of Bureau-maintained roads:

1. Primary-----	2.0
2. Secondary-----	3.5
3. Trails-----	4.5

Miles of road turned over to counties----- 0

Miles in process of being turned to counties----- 9.0

Health

Weekly clinic. Populace has access to Pima Hospital located at Sacaton.

Income

Median income per family (1952):

1. From agriculture and stockraising-----	\$500
2. Other, including wages (excluding welfare)-----	1,800

Major problems

1. Law and order.

LAW AND ORDER, GENERAL

The Pima area field office has jurisdiction over four Indian reservations, namely, Gila River, Salt River, Fort McDowell, and Maricopa (Ak-Chin). Headquarters for the four reservations is located at Sacaton, Ariz., on the Gila River Reservation approximately 45 miles southeast of Phoenix. The Gila River Reservation has a land area of 372,022 acres, and an Indian population of 5,260 and is roughly 60 miles in length and 20 miles wide. The Salt River Reservation lies just east of Scottsdale, some 38 miles from Sacaton. It has a land area of 46,623 acres and an Indian population of 1,290. Fort McDowell joins the Salt River Reservation on the north and extends up the Verde River approximately 10 miles. Fort McDowell is approximately 60 miles from Sacaton. It has a land area of 24,680 acres and an Indian population of 202. Maricopa (Ak-Chin) lies some 30 miles southwest of Sacaton, and has a land area of 21,840 acres and an Indian population of 139. In all there is a land area of 465,165 acres and an Indian population of 6,891. (1950 census.)

Currently there are only two policemen to police the entire area. This, due to the limited appropriations for law and order activities (\$12,342, fiscal year 1955). In addition however, the Salt River Tribe employs a policeman part time payable from tribal funds. Likewise, the Gila River Pima-Maricopa Indian community employs extra policemen on special occasions. The average non-Indian community employs an average of one law enforcement officer for each 1,000 population. Based on an Indian population of 6,891, then, the need for 7 policemen is indicated. However, it is believed that five full-time policemen would be adequate.

The Gila River Pima-Maricopa Indian community has the only tribal court operating under an approved code of offenses. The other three tribes have adopted this code as their own and violators of the code are brought to Sacaton for trial and incarceration. The Gila River community employs its own judge and clerk of the court. Subsistence for prisoners is purchased from court fines. The Salt River Pima-Maricopa Indian community has under consideration a code of offenses, and will establish its own court in due time.

Relations with nonreservation law enforcement officers, State, county, and municipal are very good. For instance the city of Mesa, and likewise Chandler, will hold law violators, awaiting transfer to Sacaton for trial, overnight without charge. Our Indian policemen work very closely with outside law enforcement officers. Likewise, the Federal Bureau of Investigation has been very helpful and most cooperative.

All in all, the Indians of the jurisdiction are, for the most part, law-abiding citizens: however, an adequate police force would most certainly curb many violations and serve as a preventative in cases of predelinquent juveniles.

Juvenile offenses, Maricopa County Superior Court

Year	Indian	Non-Indian	Total
1953.....	¹ 81	1,638	1,719
1954.....	² 52	1,834	1,886
1955.....	10	(3)	-----

¹ 28 referred to the court, 53 disposed of otherwise.

² 46 court cases, 6 disposed of otherwise.

³ No data.

Juvenile cases in order of total offenses: (1) Drunkenness, (2) petty theft, (3) larceny, (4) morals cases.

Indian juvenile offenders, Pinal County Superior Court, May 1, 1954, to April 25, 1955

Total number of juvenile cases in Pinal County Court during the above period..... 435

Number of juvenile Indian offenders..... 37

Indian offenders, 8.52 percent, non-Indian, 91.48 percent.

Summary of Indian offenders

Drunk and disorderly.....	20
Released to White River Reservation.....	1
Released to Sells (Papago) Agency.....	3
Released to Pima Agency.....	3
Released on probation.....	10
Released on informal probation.....	3
Drunk and disorderly—illegal use of firearms.....	1
Released to parents on probation.....	
Assault with deadly weapon.....	1
Sent to Fort Grant, correctional institution.....	
Car theft.....	4
Probation and restitution.....	
Theft.....	2
Informal probation.....	
Disturbing the peace.....	1
Release under supervision of police officer, Pima Agency.....	
Curfew violations.....	3
Released to family.....	
Traffic violations.....	5
Traffic probation.....	

The clerk of the Pinal County Superior Court stated that juvenile delinquency among Indians was not, in the judgment of that court, increasing, but remained about constant. This office concurs in that opinion.

Juvenile cases, tribal court, Pima-Maricopa Indian community, July 6, 1954, to Apr. 26, 1955

Date	Offense	Disposition
July 6, 1954	Disobedience to lawful orders of the court.	3 months in jail.
July 26, 1954	Assault, malicious mischief.	To be turned over to FBI.
Aug. 9, 1954	Disorderly conduct, theft, escape from lawful custody.	To be under the custody of Loyde Allison until he is 18 years of age.
Oct. 18, 1954	Disorderly conduct.	Suspended sentence; was told to join the service as soon as possible.
Oct. 28, 1954	Informal hearing.	Transferred to Good Shepherd Home.
Nov. 8, 1954	Disorderly conduct.	6 months' probation.
Nov. 29, 1954	do.	To be held for protective custody.
Dec. 20, 1954	Disorderly conduct (2).	Held for protective custody.
Dec. 27, 1954	Liquor violation, malicious mischief.	Do.
Jan. 3, 1955	Disorderly conduct (2).	1 year probation.
Jan. 17, 1955	Disobedience to lawful orders of court. Malicious mischief.	Held for Dallas to take him to recruiting station.
Mar. 21, 1955	Disorderly conduct (2).	Suspended sentence.
Mar. 22, 1955	Contributing to delinquency of minor. Disorderly conduct. Disobedience to orders of an officer (2).	6 months in jail.
Do.	Disorderly conduct. Contributing to delinquency of minor.	1 year probation for both.

Federal juvenile offenders, Indians from Pima area jurisdiction

[Report covers Jan. 1, 1953, to Dec. 31, 1954. There are no cases since that date]

Name	Age	Charge	Date of arrest	Disposition
Thomas, Bennett	15	Theft	Feb. 17, 1953	3 years.
Scott, Jerry	15	do.	do.	Do.
Mannuel, Edmond	14	do.	do.	Do.
Ramon, David E.	14	Theft Government property.	Apr. 8, 1953	Probation.
Marietta, Simon	16	do.	do.	Do.
Allison, Raymond D.	16	Burglary	Oct. 9, 1953	Def. probation.
Gage, Conrad	15	do.	do.	Do.
Jackson, Erwin	13	do.	do.	Do.
McDonald, Everitt	15	do.	do.	Do.
Thomas, Richard	14	do.	Feb. 9, 1954	Probation.
Juan, Arnold	13	do.	do.	Do.
Kavoka, Norman	17	Rape	Apr. 16, 1954	Do.
Vest, Edmund	16	do.	do.	Do.
Washington, Allen	16	do.	do.	Do.
Ramon, David E.	15	Probation violation	do.	1 year.
Kisto, Titus	16	Theft	Apr. 29, 1954	2 years.
Brown, Patrick	15	do.	do.	Do.
Thomas, Ronald	15	do.	do.	Do.
Washington, Leon	18	Rape	May 10, 1954	Probation.
King, Harland	14	Theft	May 18, 1954	5 years.
Jackson, Virgil	13	do.	do.	Probation.
Juan, Arnold	13	do.	June 9, 1954	Do.
Lewis, Frederick	17	do.	do.	2 years.
Johnson, Charles	15	do.	June 11, 1954	Probation.
Jackson, Virgil	13	do.	June 9, 1954	2 years.
Percy, Domingo	16	do.	do.	Probation.
Austin, Norman	16	do.	July 13, 1954	3 years.
Austin, Allen Roy	17	do.	do.	Do.
King, Jacob	14	do.	do.	Do.
Nelson, Kenneth	14	do.	do.	Probation.
Smith, Arnold, Jr.	12	do.	do.	3 years.
Thomas, Raymond	14	do.	July 14, 1954	Probation.
Stanley, Deltmar	14	do.	Aug. 17, 1954	Do.
Howard, Carl	12	do.	do.	Do.
Thomas, Richard	14	Burglary	Dec. 9, 1954	2 years.

NOTE.—Total number of juvenile cases in Federal court Jan. 1, 1953, to Apr. 26, 1955, 194. Number of Indians, 35; number of non-Indians, 159. 22 percent Indian; 78 percent non-Indian.

Mr. O'HARRA. I would now like to call on Mrs. Lulu Smith of Fort McDowell. She, being a lady, we will give her preference.

Mr. CHUMBRIS. All right.

TESTIMONY OF MRS. LULU SMITH, MEMBER OF PIMA TRIBAL COUNCIL, FORT McDOWELL, ARIZ.

Mrs. SMITH. Our problem on the Fort McDowell Indian Reservation is juvenile delinquency.

Mr. CHUMBRIS. You are representing the tribal council at Fort McDowell, is that correct?

Mrs. SMITH. Yes, that is right. And in the past situation, it appeared from February 1954 to September 1954, that there was a serious problem of juvenile delinquency on the reservation.

On two occasions bicycles were stolen from residents of a nearby town. This town was Mesa and they were taken by Indian youths. Then there was food from the reservation school that was taken. Guns were taken from the homes of people on the reservation and fishing equipment of fishermen visiting the reservation were stolen.

As a result, 2 boys from the reservation are now in a reform school in Utah; 2 boys are in a reform school in Colorado; and 2 boys have been sent to a mission school at Holbrook, Ariz. This delinquency may be attributed to lack of adequate recreation facilities for the youths living on the reservations.

At present, there are over 45 boys and 23 girls, over the age of 6, living on the reservation without adequate recreation facilities; 14 of the boys and 13 of the girls have started to organize themselves in baseball teams. The difficulty, however, is that they do not have sufficient equipment to maintain steady interest in the project. All through the winter there was a demand for a place to play basketball. Several attempts were made to obtain funds to repair a slab for an outdoor basketball court and for some equipment. These were of no avail.

The Fort McDowell Tribal Council urges this committee to help in the obtaining of baseball and softball equipment, basketball equipment, and cement—estimated need 400 sacks—for a basketball court slab. The tribal council has done all it can to prevent juvenile delinquency from recurring but feels that without funds for equipment, it will not be able to meet its problem.

Mr. CHUMBRIS. Do you have anything further to add other than the statement you just made?

Mrs. SMITH. No.

Mr. CHUMBRIS. Do you have any statistics in the folder?

Mrs. SMITH. No.

Mr. O'HARRA. I would like to call on Governor Jay Morago of Gila River.

TESTIMONY OF JAY MORAGO, GOVERNOR, PIMA-MARICOPA COMMUNITY COUNCIL, GILA RIVER RESERVATION

Mr. MORAGO. Mr. Chairman and Senator, as our officer in charge stated, the Gila River Reservation covers an area of 372,022 acres, and of this number of acres 4,898 acres are allotments; 60 percent of this acreage is an heirship status. The total irrigable acres on the San Carlos project on the Gila River Reservation is around 44,000 acres.

The acres Indian operated as of 1952, or in 1952, was around 17,300 acres. There are a number of leases to non-Indians, 25. Farming

acreage is twenty thousand some acres. This is the background of our area on the Gila River. The Gila River is comprised of two tribes, the Pimas and Maricopas, as stated by our officer in charge.

As related to child delinquency on our reservation, there is a minor problem, and the basic problem of it is our economic status. At present, as the record will show, the delinquency problem is not quite out of hand. There is a future development that we are looking forward to on our reservation, naturally, that delinquency will set in.

Our immediate problem is water. As was testified to by the Colorado River group this afternoon, it seems they don't have the land but they have the water. We have the land but we don't have the water. That is our basic point of economy.

We are known to be farmers. Through our meager income, the record states that we have somewhere around 755 youngsters in public schools.

Senator LANGER. What is the average income of the Indian on a reservation?

Mr. MORAGO. A family income is about \$750.

As to educational facilities from the Bureau, there are on the Gila Reservation 5 day schools, the biggest centralized 1 being at Sacaton.

From 1935 until 1940 it was a full high school, but not accredited.

After the war, from 1946 to the present time, it dwindled down and it is the attempt of the school officials at Sacaton to bring out the basic point of education preparatory to public school education in the surrounding towns, or comparing with public school education in the surrounding towns of the reservations and in colleges at Casa Grande and Chandler.

As to delinquency, that is a matter of statistics and as to law and order, I will pass that on to our tribal chief judge of the Gila River Reservation, Nelson Jose.

Mr. O'HARRA. Would you mind if I made one slight correction?

Mr. MORAGO. Not at all.

Mr. O'HARRA. You quoted forty-eight-hundred-and-some-odd acres of allotted land. That is forty-eight-hundred-and-some-odd 10-acre allotments. That is primary and secondary. For the record, I might state that 60 percent of those are in fractionated land titles, due to inheritance.

Senator LANGER. Take all the time you want. There is no hurry about this.

TESTIMONY OF NELSON JOSE, TRIBAL JUDGE, GILA RIVER RESERVATION

Mr. JOSE. Mr. Senator and Mr. Chumbris, I am very glad to have this opportunity of presenting you with a few facts concerning our law and order department on the Gila River, Pima-Maricopa community.

I have been tribal judge for about 2 years. Prior to my appointment, I wouldn't say just how things had been carried on. Some of the records were not complete and I think that by now we have everything in shape, so that anyone wanting to come in and investigate to find out anything, why, we can put our fingers right on what they want.

We have one associate judge, a court clerk, and a jailer, who is also the chief of police. He has one assistant policeman, as I already stated.

The main thing that I wanted to bring out is this: In my 2 years there, I have found that lack of water will bring on lack of capital; lack of capital is security—or rather, lack of capital breeds insecurity, and having insecurity they have no interest in raising the youngsters, and the youngsters do not get the proper things that they want because there is no capital.

One thing leads to another, you can see that.

So when these figures before me said that the basic factor in our economy is water they were correct in every sense of the word. We want water and more water. That is our livelihood. It has been stated that we are farmers; yes.

For centuries, long before the Spaniards came into the southern part of the State, they found the Pima Indians irrigating the whole valley, right here where we are sitting. This was all cultivated by the Pima Indians. But ever since the Coolidge Dam went into construction, everything went down.

I can remember when I was about 10 years old, the only thing that we would buy was coffee and sugar, and we raised everything on our subsistence farming. We produced more wheat in those days than we do now. We produced more beans, more squash, more corn, and more hay for our cattle and horses. We had large herds of cattle. We had fine horses. I have seen those racehorses, and I know whereof I speak.

Everytime we had a celebration there were horseraces. Some of the finest horses I have ever seen.

Now, today everything is purchased at the grocery store in cans, and the cost of living is sky high. So juvenile delinquency will increase so long as we don't get this water that I am talking about. We need the water badly.

Now, I have spoken about our economic status, and I want to kind of review our law and order personnel. We need about 7 more police officers and at least 2 radio cars.

Mr. CHUMBRIS. May I ask you a question?

Mr. JOSE. Certainly.

Mr. CHUMBRIS. What area do you cover as tribal judge?

Mr. JOSE. All of that area mentioned.

Mr. CHUMBRIS. You cover all of the areas marked in red here, the Salt River here?

Mr. JOSE. All that is colored there.

Mr. CHUMBRIS. That is under your jurisdiction?

Mr. JOSE. Yes. Now, we have to have those things that I mentioned in order to curb not only juvenile delinquency, but in order to curb the drinking that is going on right now. That has been brought out here today and yesterday that since the bars have been wide open to the Indians, why, they are drinking now like they won't be able to get any tomorrow. You can go down into the western part of the reservation line at Salt River, right now, and you will find that bar right across the line full of Indians, right as this very hour.

Senator LANGER. Where do they get the money from?

Mr. JOSE. They work for white people as farm laborers and they spend their money right there and, generally, they don't have nothing

to take home, and that is where the children get hungry and everything goes to pieces right there. The homelife is going to be deteriorated, and if we don't get this law and order straightened out, it is coming to that, I am afraid.

Now, we have in our court 33 felonies, not felonies, but misdemeanors, that are listed in our law-and-order code, and I have here in my hand a little chart that I made up myself. Twenty of these were listed here that was trespassing. Here is adultery, assault and battery, assault, abduction, civil action, contributing to delinquency of minors, carrying concealed weapons, disorderly conduct, disobedience to officers, drunken driving, failure to send children to school, liquor violations, malicious mischief, theft, resisting arrest, and trespassing.

Now, disorderly conduct is drunkenness. Assault and battery is the result of drunkenness. Care of dependent persons is the result of drunkenness, and I must state that care of dependent persons was 60, and care of dependent persons, of course, those are the fathers.

Then the next highest one was assault and battery, was 56.

Or rather, disorderly conduct was 75, I didn't see that 75 there. That is the highest number, and naturally that would be 75 disorderly conduct places when they get drunk and then they spend all their money and they won't have anything to eat for the children, and then there is a brawl.

There are 56 cases of assault and battery. So it shows there how liquor can work.

Senator LANGER. Do you have REA on your reservation?

Mr. JOSE. No; we don't have that.

Senator LANGER. What about these other reservations? Do they have rural electrification?

Mr. HAVERLAND. We have electricity on the reservation.

Mr. O'HARRA. On the irrigation power but not REA.

Mr. HAVERLAND. They have electricity on the reservation.

Mr. COX. We own a half interest in the San Carlos project power system which was a power system developed under the Coolidge Dam, and the Indians own a half interest in that system, and we do have electricity in a portion of the reservation from that. However, that is in a very rundown condition, and right now it is in the process of being taken over from the Government by the Indians and the white owners, subject to opinions from the Solicitor's Office. It is also in the process of being dumped from the Bureau of Indian Affairs to the Reclamation Service, which doesn't want it and I don't blame them. But we have electricity from that source.

Senator LANGER. Can we get a list of the various reservations that have REA?

Mr. HAVERLAND. Are you interested in electricity, or in REA or just electricity?

Senator LANGER. I am interested in both. I want to know whether private corporations furnish power, or REA, or Reclamation, or an independent group furnishes it.

Mr. HAVERLAND. I would prefer to submit that as a separate submission.

Senator LANGER. Will you do that?

Mr. HAVERLAND. Yes. Then you will have all of the names.

Senator LANGER. I would also like to know what the rates are; what about telephones?

Mr. HAVERLAND. Well, there is telephone service to our agency, partially public service. By that I mean commercial facilities and partially our own. If you would like to have a tabulation of that, I can get it. I don't have it with me.

Mr. Cox. They desire them. They have no facilities now and have been unable to get them.

Senator LANGER. The gentleman who testified a little while ago, ahead of you, those villages do, do they have telephone service?

Mr. HAVERLAND. No, sir.

Senator LANGER. Or REA service?

Mr. HAVERLAND. There may be some that have electricity. However, I don't think there is any REA on the Papago Reservation itself.

Senator LANGER. You have considerable coal in New Mexico; haven't you?

Mr. STEVENS. Yes, sir; a good deal of coal.

Mr. CHUMBRIS. They are not bringing too much of it—or rather they are not mining too much of it right now; are they?

Mr. STEVENS. Not on the Hopi but on the Navahos a great deal is being mined.

Senator LANGER. Coal mines are available with which to furnish power; are they not?

Mr. HAVERLAND. I don't believe they are using it for the generation of the electric power.

Mr. HEAD. It is being used for power and heat.

Mr. HAVERLAND. For our own private system, it is not for public consumption.

Senator LANGER. But it could be used for that, if you developed it?

Mr. HAVERLAND. The coal is there; yes, sir.

Mr. CHUMBRIS. There is plenty of coal in New Mexico, but some of the coal mines have closed down in the last 3 or 4 years. One particular one is a ghost town right now in the northeastern corner of the State. It is shut down completely.

Mr. HAWLEY. The commercial market for coal is about done.

Mr. CHUMBRIS. I understand there is plenty around Gallup, but they are not mining too much of it.

Senator LANGER. Is there anything further?

Mr. JOSE. There is another need on the reservation besides electricity, and that is domestic water for the Indians. Some of the Indians have to haul water practically every day and it takes them about 3 hours to go in the morning and wait in a line of cars or wagons to go to the faucet to get it, and they spend practically three-fourths of the day hauling water.

Senator LANGER. What can the Government do about the water?

Mr. JOSE. We have been asking for domestic wells to be drilled for the last 17 years, that I know of. I have been on the reservation 17 years, and I remember when I came there in 1934, they were demanding domestic wells.

Senator LANGER. What about it? Can you get domestic wells here?

Mr. O'HARRA. I believe that has been included in the budget; hasn't it?

Mr. Cox. I believe it went through. There was a bill for the exact amount that Arizona asked for, that showed up in New Mexico, that

they did not ask for, and I think Arizona's money slipped over there about 3 years ago. In any event, there has been a justification for domestic wells for several years.

Senator LANGER. In other words, the Government could get water in there if they got wells?

Mr. Cox. That is correct. The Indians had their own wells up until the water table went down and the water table is below the depth you can dig a well by hand.

Senator LANGER. How deep do you have to go?

Mr. Cox. Well, in some places the water we have, I believe, is around 70 to 80 feet of usable water but we have to go around 200 feet for any well and we go down with some of them four, five, or six hundred feet. I think we went down to 500 feet at the west end on those wells. They can't be dug by hand.

Mr. O'HARRA. Some of them go down 600 feet.

Senator LANGER. But you can get a lot of water without going down that far, in some places, can't you?

Mr. O'HARRA. Not good water.

Mr. HAVERLAND. They get the good water and it rises closer to the surface than 600 feet but it has to be cased in order to get down to the good water.

Senator LANGER. After water for stock, how deep do you have to go to get that water?

Mr. HAVERLAND. Any water that is pumped will have to come from the same level, in order to be usable for either livestock or human consumption.

Senator LANGER. Do you have anything further?

Mr. JOSE. I just want to explain that some of our people are farmers and they have to go out and work as farmhands for white people, because they have no water, and they cannot put in their crops, and they want to go outside and earn a living. The land is lying there idle. And then we are criticized because our land is lying idle. They say we are lazy. But we are not lazy. Just give us water and we will show the people that we can raise as much as anybody in the valley.

Mr. CHUMBRIS. Judge, how is the jail down there where you are?

Mr. JOSE. Well, the jail is ordinary. It is not anything to brag about.

Mr. CHUMBRIS. Is it in good shape?

Mr. JOSE. Well, it is scrubbed out every day. We used disinfectants and we have a lighting system and we have a heater.

Mr. CHUMBRIS. How many rooms do you have?

Mr. JOSE. Just one big room with bunks on the walls.

Mr. CHUMBRIS. That is for men only, then?

Mr. JOSE. For men only. The ladies have a different cell.

Mr. CHUMBRIS. Where do you put them?

Mr. JOSE. In a long cell.

Mr. CHUMBRIS. In a different jail house?

Mr. JOSE. It is in connection with this same room, but there are no windows or doors, only on the outside there are windows and then the door leads into the policemen's quarters.

Mr. CHUMBRIS. Is it a part of the same building where the men are?

Mr. JOSE. Yes, but we never know who is in there.

Mr. CHUMBRIS. Who operates the jail?

Mr. JOSE. The chief of police and the jailer.

Mr. CHUMBRIS. I mean, is it under the Indian Affairs system; is that correct?

Mr. JOSE. That is right.

Mr. CHUMBRIS. Now, how about your appropriation for the feeding of prisoners? Does that affect your sentencing of the prisoners?

Mr. JOSE. We feed the prisoners from the court farm.

Mr. CHUMBRIS. Let me give you this illustration. We have had testimony that in some of the reservations in North Dakota, assuming that a judge wanted to fine a man 30 days, or sentence him to 30 days, he didn't have to serve the 30 days because they did not have enough money in the appropriation to take care of him. Do you have that situation in your jurisdiction?

Mr. JOSE. No, sir.

Mr. CHUMBRIS. If you were to sentence him for 30 thirty days, he would serve the 30 days; is that right?

Mr. JOSE. Well, according to what he wanted to do. If he has the money to pay the \$30, we will take the \$30, but if he hasn't got the money to get it, he has to serve 30 days in jail.

Mr. CHUMBRIS. You give him \$30 or 30 days?

Mr. JOSE. He gives us the \$30, we don't give him \$30.

Mr. CHUMBRIS. When you pass sentence on him you say \$30 or 30 days in jail, is that what your sentence would be?

Mr. JOSE. That is in the code.

Mr. CHUMBRIS. Then he has a choice of either paying the fine or of serving the 30 days?

Mr. JOSE. That is right.

Mr. CHUMBRIS. And if he hasn't got the money he has to serve 30 days?

Mr. JOSE. That is right.

Mr. CHUMBRIS. And on those 30 days you don't forgive any of it because you don't have enough funds to take care of the prisoner?

Mr. JOSE. It runs around \$1,500 for all year.

Mr. CHUMBRIS. But you do have enough funds so you don't have to worry about that?

Mr. JOSE. Yes, sir.

Senator LANGER. Where does the \$30 go to? Does it go to a lawyer or to the court fund?

Mr. JOSE. It is used to feed the prisoners and business incidentals, like toilet tissue, and brooms and supplies, disinfectants, soap, and so on.

Senator LANGER. Well, you have certainly given some very fine testimony.

Mr. CHUMBRIS. Judge, are you satisfied with the sentences as provided by the code? Are they severe enough to be a deterrent to violation of the law, or do you think that they should be reevaluated and amended?

Mr. JOSE. I think they should be revised all the way through.

Mr. CHUMBRIS. All the way through?

Mr. JOSE. Yes. One thing in particular that I want to tell you, and that is a civil case that involves this amount of money, \$60,000, I am in favor of having it set up like was described by Mr. Marks.

MR. CHUMBRIS. You approve of the suggestion Mr. Royal Marks made this morning as to revising the code?

MR. JOSE. Yes; I had the same idea.

MR. CHUMBRIS. That is why I am asking you these questions, to see what your opinion on that is, since you are the judge.

MR. JOSE. That is right.

SENATOR LANGER. Judge, I notice you have got a crime down here that you call slander.

MR. JOSE. We don't have that. The San Carlos Apaches have that.

MR. CHUMBRIS. Well, there were 59 cases of slander. You don't have any idea what that would be?

SENATOR LANGER. What is slander, how do you define it?

MR. O'HARRA. Defaming one's character.

SENATOR LANGER. In other words, if a man defamed a lady's character he could be arrested for slander, and vice versa?

MR. O'HARRA. Yes, sir.

SENATOR LANGER. That is what slander is, when you talk badly about somebody, like defaming their character?

MR. O'HARRA. That is right.

MR. CHUMBRIS. You don't have any such offense?

MR. JOSE. We don't have that. They vary from reservation to reservation.

MR. CHUMBRIS. Would you go so far as to recommend that the maximum penalty for various offenses under your jurisdiction should be similar to the maximum penalties under State jurisdiction for the same offense?

MR. JOSE. No, no; I don't. But I think that this desertion by the husband that was mentioned yesterday or today, that that should be included in the 10 major crimes.

MR. CHUMBRIS. You think they run away farthest should be 1 of the 11 major crimes, that 1 should be added to the 10?

MR. JOSE. Yes; I am in favor of that.

MR. CHUMBRIS. I have no further questions.

MR. COX. The Arizona Penal Code that so many people speak so admiringly of came from the 1868 Code, and most lawyers and judges agree that the Arizona Penal Code is quite antiquated, and there is a commission working on some revisions, and I shuddered today when I heard many of the Indians testify that they would like to get over to the white man's code, because my office deals with it, and I know it is not a modern code. In fact, many of these Indian codes are probably more modern than some of the provisions of the Arizona Code.

SENATOR LANGER. Are there any other questions?

MR. COX. Senator, I would like to mention one thing that my Indian friends, the Pimas, probably would not point out. I majored in history in college before going to law school, and I worked my way through, but never in all of my studies have I found a true economy of plenty until the last few years when I studied the Pima Indians.

Prior to the coming of the white man, as was just testified to by Judge Nelson Jose, they irrigated the lands, and the search of anthropologists and my own research shows that they were a wealthy people. They used the waters of Gila River, and in these arid States, the taking of water upstream away from them, which finally came to the attention of Congress, and the Congress appropriated money for the

building of the Coolidge Dam to alleviate this situation after a 40-year famine period, and I would like to say the Congress was to be commended and the Department of the Interior should be something else for what was done, because the Coolidge Dam, when you Congressmen passed the bill and said it was for the Pima Indians and the water behind the Coolidge Dam should go to the Pima Indians, unless there was more than they needed, in which event it could be used by others, then the Departments of Interior and Justice stipulated away that water in a law suit, and the former Chief Justice of the Supreme Court said he had never read anything worse than this Gila River decree, a decree that gave away half of the water behind the Coolidge Dam, which Congress had appropriated for the Pima Indians, and gave away their prior appropriation rights.

Just for example, Senator, I think I can quote practically from memory one very late appropriator, the Kennecott Copper Corp., in the paragraph of the decree that they stipulated to, they said :

It is agreed that this defendant's rights are all inferior to the rights of the plaintiff, and that all of plaintiff's first and prior rights are prior and superior to any of the defendant's rights.

Then they go on and say :

However, in order that this litigation may be terminated, and that this defendant may continue its mining operations, it is stipulated that the following provision may prevail.

And then they, the Kennecott Copper Co. shall come ahead of the Indians, so therefore Kennecott Copper Co.'s water, even though the evidence shows that they were inferior to the Indians who had an economy of plenty, and who own that water, it was stipulated that in order that the Kennecott Copper Corp. could continue its mining operations that the water would be theirs.

I point this out so that you can know these people who were a progressive, industrious people, who paid their own missionaries and teachers to come to them in around the 1960's and 1970's, they paid their transportation expense because they wanted teachers, and they had the funds to do it with.

During the Mexican War they sold \$100,000 worth of surplus grains to the United States Army, in order to help sustain our troops in that war with Mexico. They had a fine economy, and there is nothing like it that I have run into among Indians and whites, and still those people are destitute with \$750 a family, and we feel that the Congress—and their juvenile delinquency that they are worried about does not exist today, but they can see it coming, as destitute boys and girls, there is more and more theft, there is more and more this, that and the other thing, and it is worrying the older people on the reservation. I know that they won't speak of their history like that.

Senator LANGER. That is very important. Can you give the Senate the citation on that case?

Mr. Cox. Yes; I can send you the decree, and I will send you the decree and underline it so that you won't have to wade through masses and masses of material.

Senator, I know the Congress needs to appropriate money. I sat in the Sergeant at Arms' Office 3 years ago, talking to Senator Kilgore from West Virginia, and he was saying: "Well, it looks like we Easterners keep appropriating money to the Indians." I said, "Sena-

tor, if I hired you today and paid you \$20,000 a year as a painter, to paint this Capitol Building that we are now sitting in, and I bought you a pint can of paint and a water color brush, and every year I gave you a new pint of paint and a new brush, and I would say, 'Senator, there is \$200,000 in salary, and all this paint, and the Capitol looks worse than before.'"

I believe as Mr. Crimmins said in 1868, the Government expended millions in dribbles and has never been willing to spend enough to do a good job. I think you are cognizant of it, and I think you have done a great deal toward it. There are some things you can do that don't take much, and those are the things I would like to see done, that can be done immediately, that would take no money.

One of those is that we have heard from every Indian group that has come here, they praise the men in the field, they praise the Phoenix area office with one accord, and I think you will find they will praise the present Commissioner of Indian Affairs. They like Mr. Emmons. They think that his attitude is right, but somewhere that pipe has been pinched off between the area office, the field, and Mr. Emmons.

I believe that one of the best things that could be done for Indians in Arizona is that you could assure these men in the field—Mr. O'Harra won't be with us long, because he is going to other and richer fields—and other workers in the field that they should do their best for the Indians without fear of reprisal or loss of their jobs, and I want to assure you under any administration, Republican or Democratic, that your record has been poor, and at times I am ashamed to be a white man.

I told the Indians that it has been about 6 years since I got messed up in their affairs, and that it hurt my conscience today, and it should hurt our conscience, because we have broken every promise we ever made, but if we could let the men starting to work in the Bureau, if we could get it so that it would not embarrass Mr. Haverland like it would because Mr. Haverland could not call Senator Hayden—that is not in our system of bureaucracy. Only the Indian was supposed to speak to the superintendent, and then the superintendent to the area director, who sent a report on it up, and it never got there.

Senator LANGER. You do things so much differently than we do in North Dakota. In North Dakota anybody can talk to me.

Mr. Cox. Well, in North Dakota your Indians all vote, and in Arizona they do not as yet vote.

You have some nice top people in your National Republican Committee and your National Democratic Committee who are Indians, fine people. I have met them, but here they do not—

Senator LANGER. Why not?

Mr. Cox. We have only had the vote for a very short time, and as soon as we get the vote in the State of Arizona, they immediately say, "Now you are able to vote, so you must pay taxes on everything."

We expect an opinion from our attorney general. Just what the Indians fear, they still have not had the education, that is why they don't vote.

If you had a son, and you had huge resources and a large complicated factory, you wouldn't take your son, as the Bureau has done over many, many years and do everything and then all of a sudden say, "Son, it is your factory, you take care of it." You would take

your son and show him and work with him, and that must be done for them in order to learn our methods.

The people that you have heard testify have been the cream of the Indian crop in Arizona. They are the most educated. You have not seen the people who have not reached that standard. Even that group could not sit down on the board of directors with some of the sharp boys I have to sit in with once in a while. I feel that our Indian people are entitled to that experience, education, and other things, and then they will solve their juvenile delinquency problems.

I want to apologize for taking so long.

Senator LANGER. Well, it isn't late yet. We have worked much later than this on different occasions.

Mr. CHUMBRIS. I think that the Reverend Crumb has something he wants to say.

Reverend CRUMB. If you don't mind. I know that crumb is usually at the end, and I think this is the end of the evening, practically, but I have been intending for 2 days primarily to do two things: One was to give you two suggestions that I have concerning the juvenile-delinquency program or problem that would help both the Indians and the white, and I would like to submit two copies of a letter that I have, for your files.

The first one has been touched on by nearly every group that we ought to have—and this is a bill that would state that any mother of an illegitimate child that refused to sign a petition against the father of the child shall not be allowed to have ADC funds.

Senator LANGER. What are you going to do when the mother doesn't know who the father is?

Reverend CRUMB. We were talking about those who knew who the father was, but wouldn't testify. This would scare a few of them into it. In other words, through the years I have come in contact with, I have been working with the juvenile problem, and you will find that some of them boast about the number of grandchildren or children they have got that don't know their father.

I know of 1 woman, she has 3 daughters and 16 grandchildren, and didn't know the father of any 1 of the grandchildren. They are all getting ADC. Those things go on with the white people as well as the Indians, so we need a law whereby when they do know who the father is, in the State of Arizona they have up to 1 year to bring charges against the father of the child.

And then the other one is this thought, we were talking about education. Nearly all of the Indian groups we have here have mentioned the need for education, adult and juvenile, and I feel definitely if we had a planned program, where either the local government or local school boards were responsible for the publication of a little pamphlet similar to the one we have published at one time in the State of Arizona, Maricopa County in particular, by the PTA, and our juvenile judge, in which it gives a brief explanation of the juvenile code for the parents.

Now, if every parent had a copy of the juvenile code existing, don't you think that the parent would then know better how to handle the problems with their children?

I can take you to teachers and others who are supposed to be persons who know about these things and I cannot tell you what the juvenile

code says concerning juvenile delinquency, how old they have to be before they drink, how old they have to be before they are allowed to smoke.

So I think if the parents were given an opportunity they would be glad to help in the enforcement of our existing juvenile laws to combat juvenile delinquency and aid our law enforcement agencies.

It is so hard to expect our offices to not only interpret the law, but to enforce the law. I think first we need education and an interpretation of the law for the parents, and that will make the work of the law enforcement officers easier.

Then for the places where we have juvenile detention homes, we are starting a program, and it has been in effect now in the juvenile detention home at Maricopa, and I have a copy here of the letter that the Catholic chaplain is sending to the parents of every Catholic youngster in the home, they are sending it out to the parish priest, notifying that a certain youngster from his parish is in the home, giving the name and address of the youngster, and implying that he is duty bound to let the parents know. There is one letter that will be sent out by the Catholic priest. Then for those that are not Catholics, there is a letter over my signature that will go to all of those Mormons, Christian Scientists, and other than the Catholics, and we will send it to the pastor or bishop, notifying them that a certain boy or girl is in the juvenile detention home.

I appreciate the opportunity of listening here, and also of being able to get these particular things across.

Senator LANGER. Before adjourning, I particularly want to thank the area officers for the splendid assistance we have had to see to it that the tribal chiefs have come in here.

I want to thank the tribal chiefs for coming in to see us. I want to thank the mayor for the interest he has shown. I want to thank all of you that have been here for the very, very splendid cooperation.

It has been, in my opinion, a very fine hearing. This hearing is going to be transcribed within a few days. We hope to get it printed, and any of you who want a copy, after it is printed, if you will write to your Senators, they will be very glad to send you copies.

On behalf of Senator Kefauver, who always insists that the committee hearings be informal and free, where everybody has a right to be heard and can be heard, on Senator Estes Kefauver's behalf, I want to thank all of you for coming, and I am sure if any of you come to Washington, that Senator Kefauver and any members of this committee will be very glad to have you drop around and see us, or if you have any suggestions at any time, we will be delighted to have you send them in to us.

I particularly feel grateful to the attorney general of New Mexico for coming over here, and I want to repeat that I am grateful for the splendid assistance that the area officers of the Indian Department have given us.

It has been a revelation to notice the patience that you have had during the 2 days we have been here.

I want to thank you again on behalf of Senator Estes Kefauver, and I can only say, as my good friends over there, Father Bonaventure would say "God bless you all."

Mr. CHUMBRIS. Well, Senator, that is all we have for tonight.

Senator LANGER. Yes.

We will be in Palm Springs, Calif., at 9 a. m. tomorrow morning to take up some of the Indian affairs down there.

(Whereupon, at 9:30 p. m., Friday, April 29, 1955, the subcommittee adjourned to reconvene at 9 o'clock a. m. on Saturday, April 30, 1955, in Palm Springs, Calif.)

JUVENILE DELINQUENCY (Indians)

SATURDAY, APRIL 30, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE
COMMITTEE ON THE JUDICIARY,
To INVESTIGATE JUVENILE DELINQUENCY,
Palm Springs, Calif.

The subcommittee met, pursuant to adjournment, at 10:45 a. m., in the city council chambers, Palm Springs, Calif., Senator William Langer presiding.

Present: Senator Langer.

Also present: Peter N. Chumbris, associate counsel; and Lee McLean, editorial director.

Senator Langer. Come to order, gentlemen.

All of the witnesses have been previously sworn.

Mr. CHUMBRIS. We are now going into the matter of juvenile delinquency among the Indian tribes.

TESTIMONY OF CRUZ SIVA, MEMBER, TRIBAL COUNCIL, LOS COYOTES INDIAN RESERVATION, CALIF.

Mr. CHUMBRIS. Will you state your full name, please?

Mr. SIVA. Cruz Siva.

Mr. CHUMBRIS. How do you spell your name?

Mr. SIVA. C-r-u-z is the first name, and S-i-v-a is the last name.

Mr. CHUMBRIS. And your address, please?

Mr. SIVA. My address is box 1282, Palm Springs, Calif.

Mr. CHUMBRIS. And what is your official title?

Mr. SIVA. To begin with, I am a member of the Los Coyotes Indian Reservation Tribal Council. Also I am a member of the California Indian Congress, it is called the Indian Congress of California.

We made an effort to make that organization last summer because we have been overlooked, and there never was, they did not believe in our plea for certain things before Congress, so we decided to unify the reservation group under one heading, so that we could present a little stronger voice.

I am sorry I don't have anything here with me for reference. Like I said a few moments ago, we were never notified of the impending hearing, and just yesterday, I saw in the newspaper, in the Riverside Enterprise, a notice, and all it says is that the committee would be here. The people were wondering why they chose the city of Palm Springs for a hearing site on juvenile delinquency.

So, therefore, even though many of the Indians knew that the hearing would be here, they didn't think it was necessary to be present here, so therefore there is nobody here.

May I ask what the inquiry is about in regard to Indian problems?

Mr. CHUMBRIS. We are trying to find out something about the lack of educational facilities, the lack of welfare facilities, what the law-and-order problem is in the various rancherias, Indian rancherias, in the State of California; what type of relocation program is provided you, what type of employment program is provided for you, and what are the opportunities of earning a livable income, so that you can properly support your families.

Now, we had hearings in Phoenix, Ariz., yesterday and the day before. We had the chiefs of the tribal councils present. We had over 50 witnesses in those 2 days, in which the Indian chiefs and members of the various reservations personally presented their problems.

We also had the area directors there, the superintendents of the various reservations, and we sat around in an informal roundtable discussion.

If you had any problems, the superintendent was called upon to answer them, or the area director. We had the attorney general of New Mexico present; the attorney general of Arizona; we had the United States attorney of Arizona; we had the State officials of Arizona, dealing with education, health, and welfare, and the Governor of the State was there. The city of Phoenix mayor was there, and we all sat around in an informal discussion to help solve whatever problems the Indians might have.

Senator LANGER. It would be very easy for you to tell us what is wrong, in your opinion, if anything.

Mr. CHUMBRIS. You are a member of the Indian Congress of California, and you know the problems of the Indians. We are sorry that the information did not get to you, because you were to have been advised by the Washington office that the chiefs of the various rancherias were to be here also today.

Mr. SIVA. If I may interrupt, did you notify the area office?

Mr. CHUMBRIS. Yes, and the area director is here from Sacramento. He came from Sacramento in order to be here with us this morning.

Mr. SIVA. We never heard anything from the office.

Mr. CHUMBRIS. From what I understand from the area director, he did not receive the notice from the Indian Bureau in Washington, so I will have to check when I get back as to why that information was not translated to you, because the area director and superintendents in Arizona saw to it that the tribal chiefs were there yesterday and the day before.

There was not one reservation that was not represented from the State of New Mexico and the State of Arizona.

Mr. SIVA. That is a problem, that is a bottleneck that we are faced with here. The California Indians seem to formulate certain legislation, and we are not even notified about it, and have no knowledge of it, until they spring it on us with a short notice, and then they want us to make a decision one way or the other. That has been our trouble. Some Indians never heard of such a thing until they read it in the paper.

Mr. CHUMBRIS. Well, you are here now, and you know the problems, so you just tell Senator Langer and the subcommittee what those problems are, and we will try to work them out.

Mr. SIVA. Well, the No. 1 problem right now is that all the Indians are aware of, in California, this matter of law and order. There is no law and order on the Indian reservations, on the California reservations, or rancherias.

Mr. CHUMBRIS. What is the reason for that?

Mr. SIVA. Well, since the transference of law and order to the jurisdiction of the State of California, it seems to me that they have been lax, or they don't even pay any attention to that legislation. There are intolerable conditions existing on the Indian reservations right now in California.

In some places we have made complaints to the sheriffs, and the only thing they say is, "We cannot get out there."

This man here is the chairman of the Los Coyotes Reservation.

Mr. CHUMBRIS. What is your full name?

Mr. TAYLOR. Banning Taylor.

Mr. CHUMBRIS. And you are chief of the tribal council?

Mr. TAYLOR. I am chairman of the council of the reservation.

Mr. CHUMBRIS. Thank you.

Mr. SIVA. And I have heard, and the Indians have told me at different places, that they have had no cooperation from the local authorities, the local officials, in regards to law and order.

Mr. Edward Contonto, a member of the tribal council, last Sunday told me the same thing. The only thing that they want right now, and awfully bad, he says, is to curb lawlessness on the reservations.

Mr. CHUMBRIS. Now, you mentioned the word "lawlessness" on the reservation. I would like to ask you a little further about that, because that is just the way it was reported in one of the subcommittee reports, as "lawlessness on the reservation."

Will you explain what type of lawlessness exists?

Mr. SIVA. That is what I was concerned with, when I say juvenile delinquency exists on Indian reservations, and also adult delinquency.

Mr. CHUMBRIS. Do juveniles get in trouble on the Indian reservations also?

Mr. SIVA. Oh, yes.

Mr. CHUMBRIS. What type of trouble do they get into?

Mr. SIVA. Alcoholic.

Mr. CHUMBRIS. Alcoholic?

Mr. SIVA. Yes, sir.

Mr. CHUMBRIS. They drink a lot; do they?

Mr. SIVA. Yes, sir.

Mr. CHUMBRIS. Both boys and girls.

Mr. SIVA. Yes.

Mr. CHUMBRIS. Of what ages?

Mr. SIVA. The last time, from my own observation, there were 3 little boys, and their ages were from 12 to about 14, with a grown-up boy about 24, and those kids in the car were drunk, and they were right at the village of Warren's Hot Springs, and I didn't see a deputy sheriff around there. Right here in Palm Springs there are about 4 or 5 families who are always drunk, and they abuse their children. They just let their children around.

Some even don't go to school. It seems to me that that would be a place, which is very adjacent to the city, and they have valuable land holdings, where they should be educating their children instead of letting them run around, and then going around and getting drunk all the time.

Senator LANGER. Where is that?

Mr. SIVA. I am talking of Palm Springs now.

Senator LANGER. What is the name of that tribe?

Mr. SIVA. The Cahuilla Tribe, they also belong to the Desert Cahuillas, Palm Springs Indian Reservation. That is just one of the samples I am telling you of. And the same way at the Indian reservation. Every time they have a party there, at Banning, they were all drunk and fighting.

I will cite one case here that is in court now, the last time they had a hung jury in San Diego. An Indian boy by the name of Lawrence Modesto murdered a man near Warrens, when he was under the influence of intoxicating liquor. He wanted to drink some more, and he killed a man because the other man wouldn't buy him any more liquor.

He said that, "You are too drunk, I don't want to buy you any more."

So the boy got out and cut his throat. So that boy is now in the San Diego County jail. They had a hung jury here last month, and they had a trial yesterday, and up to last night I heard that there was a hung jury.

It seems to me that the Government is putting the cart before the horse when they transfer jurisdiction of law and order to the State of California. It seems that the State of California is not interested in the Indians and their welfare in regard to law and order.

I really think it was your resolution of North Dakota, wasn't it, about reimbursing the State for that purpose?

Senator LANGER. That is right.

Mr. SIVA. And I like that very much, because in that way we would have some legal leg to stand on of making a complaint to the attorney general of California, but otherwise we don't have any.

Senator LANGER. I am glad you liked it. Thank you.

Mr. SIVA. Down at Yuma, I was there last month, and Edmund Jackson, Jr., told me that they are having the same trouble in the town of Winterhaven, about 4 miles this side of the city of Yuma, Ariz.

This man was telling me that he and his mother—or rather, he and his mother were telling me that it was not uncommon to see Indian women at nights walking along the railroad tracks, stripped naked; and I also met with the board of supervisors, and they condemned the tactics of the Government in transferring, without consulting the board of supervisors or political subdivision in the State of California.

He said that, "We have enough of an influx of poor people from other States, and we have our hands full taking care of those, and now dumping this in our hands," he says, "we are unable to take care of them. They are 64 miles away, and we have no means of getting the prisoners there and bringing them here and feeding them."

Mr. CHUMBRIS. For the record, Mr. Siva, could you explain how many rancherias there are in the southern part of California?

Mr. SIVA. There are none. They are all known as reservations.

Mr. CHUMBRIS. They are all known as reservations?

Mr. SIVA. Yes. The others are up north.

Mr. CHUMBRIS. They are in the north part of the State?

Mr. SIVA. Yes.

Mr. CHUMBRIS. Fine. How many reservations do you have in the southern part of California?

Mr. SIVA. Well, offhand, I don't know.

Mr. CHUMBRIS. Do you have them running from here to San Diego?

Mr. SIVA. I would say in the neighborhood of 17. Probably Mr. Hill, the area director, can verify that. It is 17 or 18, I am not sure.

Mr. CHUMBRIS. This same situation you are talking about, does that exist in most of these reservations in this area?

Mr. SIVA. Yes; the same condition exists.

Mr. CHUMBRIS. I see. You are a member of the executive council of the Indian Congress of California?

Mr. SIVA. That is right.

Mr. CHUMBRIS. How long has that been organized?

Mr. SIVA. I just made a statement on that, since last June 20.

Mr. CHUMBRIS. One year.

Mr. SIVA. Yes; 1 year next month.

Mr. CHUMBRIS. How many members do you have in that congress?

Mr. SIVA. We have a representation of a little better than half of the reservations.

Mr. CHUMBRIS. Throughout the State?

Mr. SIVA. Throughout the State, and there are more coming in.

Mr. CHUMBRIS. How often do you meet?

Mr. SIVA. Well, we had a resolution in the constitution and bylaws to meet at least twice a year, or in case of an emergency arising we can have another meeting.

Mr. CHUMBRIS. Have you had a meeting where quite a few of the representatives of the congress were there?

Mr. SIVA. Yes.

Mr. CHUMBRIS. When was the last one you had?

Mr. SIVA. The last one we had was last June 20.

Mr. CHUMBRIS. That was when you organized?

Mr. SIVA. Yes.

Mr. CHUMBRIS. And the problems that were discussed at that congress, were they similar to what you are discussing here this morning?

Mr. SIVA. Yes. There was one we discussed at the time we condemned Public Law 280.

Mr. CHUMBRIS. You did condemn Public Law 280?

Mr. SIVA. Yes.

Mr. CHUMBRIS. Would you like to be a little more specific as to what your complaint about that law was?

Mr. SIVA. The reason I say "condemned," was that at the time I think the bill was pending, then it was 1063, I think it was, when that bill was pending in Congress, and out here in southern California all

of us objected to that bill when it was pending, and up in northern California, the first time I heard, and the first information was when we met the State California Fish and Game Commission, when they made a statement before the committee that when this bill was pending, the Bureau of Indian Affairs' attorney told them that they would lose their fishing, hunting, and trapping rights, and when it was passed, they said the Indians of California had no agreements protecting fishing and hunting rights.

After this meeting I talked to several Indians from different reservations, and they told me that they didn't like the way that was run, because when they wanted law and order on the reservation they were trying to enforce this other, but as to their hunting, they were really pretty drastic on that. They said, "We want law and order, but they disregarded that altogether."

At the time we sent in a resolution to Congress asking for an amendment to that bill, and it seemed like the amendment to that bill was kicked around, and last year I read in the Congressional Record where a Congressman E. Y. Berry said if that amendment was effectuated, it would not cover the Indians of California.

So when we met with the Fish and Game Commission they decided to help us, the State of California; so here not very long ago the bill was introduced at the State legislature, bill 1349, giving the Indians immunity in regard to fishing, hunting, and trapping, and it has passed the senate floor, and passed the assembly now, and now goes back again to the senate floor for final action.

We were promised by the State capitol that it would pass, and it would give the Indians the privileges they lost under Public Law 280.

It seems to us, and it is obvious to all Indians, that Public Law 280 has not been efficient and workable for the Indians unless there is some form of reimbursable funds available to the State of California.

Mr. CHUMBRIS. Now, let me ask the area director this question at this particular point: Under Public Law 280, is that effective in California as yet?

Mr. HILL. It is effective, it was effective upon approval, I think, August 15, 1953, when the President signed it.

Mr. CHUMBRIS. In the State of California the State has jurisdiction over law and order?

Mr. HILL. It does.

Mr. CHUMBRIS. And if an Indian should commit an offense on the reservation, he goes before a State or county court; is that correct?

Mr. HILL. That is correct.

Mr. CHUMBRIS. And there is no tribal law in California at this time?

Mr. HILL. No; there is not.

Mr. CHUMBRIS. Now, as to the other jurisdiction, so far as health, education, and welfare is concerned, is that fully in California, or is that still under the Indian Bureau's jurisdiction?

Mr. HILL. Sir, I have a little statement on that covering those matters, and if you can wait until I give that, I think that would be helpful.

Senator LANGER. Let us hear it now.

Mr. CHUMBRIS. Yes; and then we can go back.

Mr. HILL. I think it would serve as a background for the record.

TESTIMONY OF LEONARD M. HILL, AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, SACRAMENTO, CALIF., ACCOMPANIED BY RITA SINGER, SOLICITOR'S OFFICE, SACRAMENTO, CALIF.

MR. CHUMBRIS. For the record, will you please give your full name, Mr. Hill?

MR. HILL. My name is Leonard M. Hill. I am the area director for the Bureau of Indian Affairs, Department of the Interior, Sacramento area, located at Sacramento, Calif.

MR. CHUMBRIS. And Miss Singer, would you like to get your name in the record, also? Just move up next to Mr. Hill there.

MISS SINGER. Yes. My name is Rita Singer, and my address is 3317 Garfield Avenue, Carmichael, Calif. Is that sufficient?

MR. CHUMBRIS. Yes. And you are with the solicitor's office, is that correct?

MISS SINGER. Yes; that is correct.

MR. CHUMBRIS. You may proceed, Mr. Hill.

MR. HILL. By way of introduction, I would like to apologize to this committee for not notifying the Indians of the occurrence of this hearing, and by way of explanation I would like to state that my knowledge was gained from a telephone call from our Washington office, and the person calling me asked me to appear to give testimony.

I asked, as I recall, whether it was required that the Indians be notified to be present, and I was given the impression, at least, that it was not necessary.

So I am sorry that the Indians did not know about it, and I think there must have been some misunderstanding some place. I did call the Phoenix office and attempted to get in touch with you, and I think Mr. Stevens contacted you, so that I could verify the hearing, but I did not get instructions. That was just yesterday that I did that, or the day before yesterday.

SENATOR LANGER. I am sure, Mr. Hill, that we will get a lot of information from you that this committee wants.

MR. HILL. I just wanted to get clear on that point, and verify what these gentlemen have said, that they were not notified, and I had no knowledge that the committee wanted to see them, and that is the reason that more people are not here.

MR. CHUMBRIS. Well, it looks as though both Mr. Siva and Mr. Taylor are well qualified to present the Indian people's viewpoint here, so that I think we can overlook that oversight.

SENATOR LANGER. If we have to, we will come back, because the Indians are entitled to be heard, and if necessary we will be back here.

MR. SIVA. I thank you very much, Mr. Senator.

MR. HILL. I have prepared a short statement here, similar to the statement that was presented by the Indian Bureau at the Turtle Mountain hearings, and if you don't mind, I would like to read it.

SENATOR LANGER. This is very informal. You go right along in your own way, and Mr. Siva, if you want to ask any questions of Mr. Hill, you ask them, or Mr. Hill, if you want to ask some questions of the Indians here, that is the way we conduct these hearings.

Mr. CHUMBRIS. Yes; even the press asks questions.

Senator LANGER. Yes, and they are perfectly welcome to ask questions, even the reporter here.

Mr. HILL. The Sacramento area has jurisdiction of 116 reservations and rancherias located in 33 counties in the State of California. About 15 are unoccupied. They vary in size from less than 1 acre to 87,000 acres. There are three subagencies. The Hoopa Valley Subagency is located on the Hoopa Valley Reservation in Humboldt County and the district agent in charge of this subagency serves Indians residing in Humboldt, Del Norte, and Siskiyou Counties.

Siskiyou County is up in the extreme northwest.

The Riverside subagency is located in the Federal Building in the city of Riverside, Calif., and the district agent in charge of this subagency serves approximately 30 reservations and rancherias located in Riverside, San Bernardino, San Diego, and Santa Barbara Counties.

The Palm Springs subagency is located in the city of Palm Springs, Calif., and the district agent in charge serves the Agua Caliente Tribe located in the city of Palm Springs.

I would like to say that Mr. Ned Mitchell is sitting back here in the audience.

Mr. CHUMBRIS. Mr. Mitchell, will you come forward and get your name in the record, please?

Mr. MITCHELL. Ned Mitchell, and the address is Box 1229, Palm Springs. I am district agent of the Palm Springs subagency of the Sacramento area office.

Mr. CHUMBRIS. You may proceed.

Mr. HILL. There are slightly over one-half million acres of Indian trust land under the jurisdiction of the Sacramento area. About 77,000 acres comprising approximately 2,400 tracts are allotted, of which 34,000 acres and 400 tracts, respectively, are outside the reservations on the public domain or in purchased properties.

It is estimated that approximately 7,000 Indians reside on the reservations and rancherias, and that they comprise approximately 1,400 families. It is estimated that an additional 4,000 Indians have interests in trust land in the State of California. There are many Indians residing in California, perhaps 20,000 to 25,000, who have practically no contacts with the Bureau of Indian Affairs.

Since the various reservations and rancherias are widely scattered throughout the State, and since the Bureau of Indian Affairs representatives are unable to make frequent contact with these people, it is not possible to estimate the number which is self-supporting nor the average annual income per family. With few exceptions, however, the reservation resources are insufficient to support the Indians residing thereon and it is necessary that they secure employment off the reservation.

The land, therefore, is chiefly valuable for homesites.

There are some notable exceptions to that, but that is true, in the main.

Now we go to the health program. The Hoopa Valley Hospital has a maximum bed capacity of 28, of which the use of 8 beds is authorized. The average daily number of patients in the hospital from July 1, 1954, through March 31, 1955, was 3.8. The average length of stay for

each patient was 4.5 days. This represents 43.8 percent occupancy of the authorized capacity and a much smaller percentage of total capacity.

During this same period 183 outpatient clinics were held: 1,463 outpatients were treated for a total of 2,256 outpatient treatments. The average number of patients treated daily was 2.4.

Medical, minor surgical, obstetric, and pediatric care is provided by the agency medical officer. Major surgery is not performed at the Hoopa Valley Hospital. Patients requiring major surgery are transferred to Humboldt County Hospital, at Eureka, Calif., and the patients are returned to the Hoopa Valley Hospital for convalescence when it is determined that the patient is able to undergo the 60-mile return trip.

Mr. SIVA. Who was the doctor at the hospital?

Mr. HILL. The present doctor's name is Mertz. Mertz is his name.

Mr. SIVA. And before him, who was the doctor there?

Mr. HILL. His predecessor was Dr. Roy Rollins. His immediate predecessor was Dr. Willard Lawson, I believe.

Mr. SIVA. When I was there at Hoopa, I was going to remind you that there was a Dr. Ricklaff there practicing.

Mr. HILL. He is a private practitioner, and he has not been in the employ of the Indian Bureau, except that we hired him on a part-time basis for a few weeks during a period when we had no doctor there, before Dr. Mertz or Dr. Rollins came.

Mr. SIVA. Well, when I was there at a hearing May 11, the Indians told me that Dr. Ricklaff was permitting white people to use that hospital, is that right?

Mr. HILL. No, not as a regular program. Of course, in all the Indian Bureau hospitals, non-Indian patients are admitted on an emergency basis, just like any hospital, a person in an accident, or something of that kind, is permitted to enter, so that they can take care of the emergency.

During this one short period, in order to make service available to the Indians, we did allow Dr. Ricklaff to put his patients in the hospital, in order that he would be able to take care of the Indian patients, but he did not crowd out the Indians, as you can see from the occupancy, there has always been more space than needed at the Hoopa Hospital, so there was no question of driving the Indians out in that circumstance, and that was a very temporary arrangement.

Mr. SIVA. But according to the Indians at the hearing, they brought up before Senator Way that those white patients had prior rights, and the Indians were not receiving the same treatment as the whites.

Mr. HILL. No, that is not true.

Mr. CHUMBRIS. When you say "prior rights," what were you referring to, better privileges?

Mr. SIVA. They were giving the white patients more attention than they were the Indians.

Mr. CHUMBRIS. In other words, they were getting better service than the Indians?

Mr. SIVA. That is the way the Indians put it to me a year ago, that is the reason I asked him about it.

Mr. HILL. I would like to add that most of the Indians in the Hoopa Valley get medical surgery and medical care independent of the

hospital. Many of them go to Eureka and get attention and don't bother coming to the hospital, those that can afford it, and want their service elsewhere.

There are 800 Indians, and you can see that the average patient load is 3.8, which is a pretty small patient load for 800 people. I expect that there are a thousand in that general vicinity which the hospital serves.

I will now proceed with my statement.

A public health nurse from the Department of Public Health, Humboldt County, visits the reservation in that county periodically for preventive measures, rendering assistance and instructions of prenatal cases. She also participates in sanitation inspections of the homes and student inspections and immunizations at schools.

There is no provision for psychiatric care by the Bureau of Indian Affairs. This type of care is provided by the State.

The Bureau does not provide dental care directly, but in some cases pays for services to indigent Indians. The closest dentist is located at Eureka, Calif., approximately 60 miles away. There are 20 employees at the Hoopa Valley Hospital, consisting of the following:

One physician; 4 staff nurses; 1 hospital attendant, 3 housekeeping aids; 1 general mechanic; 1 clerk-typist; 1 director of nurses; 3 practical nurses; 1 cook; 1 ambulance and truck driver; 1 janitor and 2 part-time laborers.

The health budget for the Hoopa Valley Hospital for fiscal year 1955 is \$80,000.

Mr. SIVA. May I interrupt again? I am sorry. But you just recalled it to my mind, when there was a hearing on May 11 last year, who were the Indian agent field representatives there at Hoopa? I don't recall their names.

Mr. HILL. You mean our representatives at the hearing at Hoopa?

Mr. SIVA. No, no; that subagency there.

Mr. HILL. About the time of the hearing which was held in September, we had a new district agent report for duty, and his name was Eldon LaCrosse. May 11? I don't know what hearing you are referring to.

Mr. SIVA. The State internal committee hearing.

Mr. HILL. I was not present. I think our district agent did attend. It was not Mr. LaCrosse. I think it was either Howard DuShane or Francis Bollio. Howard DuShane is program officer, located at Hoopa, and Francis was the former district agent, and we were not officially invited to that hearing.

Mr. SIVA. What I was trying to bring out to the gentleman here, is the fact that that was open to the Indians, that hearing was intended for the Indians, and when Senator Way got there, they wanted to have a hearing in the Indian offices somewhere there, closed to the public, and those few Indians didn't have enough courage to force their way in and ask Mr. Senator Way to have a public hearing in the school building.

Finally, they did get up enough courage, and that is how we got in.

I think that is the way the Hopi Indian Reservation and the population received back their own way of making laws. Before that there was just a fraction there running the reservation and making reports, which was contrary to the actual conditions existing there at the time.

Mr. HILL. Well, I don't quite understand the point. If it was a question of a meeting place, there are no facilities at the agency for a public meeting, and we do have the Indian Bureau that built the school facilities, but the school work is carried on by the public school district, and we have turned the facilities over to the public schools on a revocable use permit, and the school district has control of the buildings.

Mr. SIVA. What I was trying to bring out was the fact that it seemed to us at the time there that they didn't want the public to hear anything.

Miss SINGER. Who didn't want the public to hear, Mr. Siva?

Mr. HILL. I just don't get the point.

Senator LANGER. You got a public hearing, didn't you?

Mr. SIVA. Yes, we got a public hearing.

Senator LANGER. Well, that is all that is material. Go ahead.

Mr. SIVA. All right.

Mr. HILL. I will say a few words about the Fort Yuma Hospital here, which is located in Imperial County, and I might add that the Fort Yuma Reservation is in the extreme southeast corner of the State, just across from Yuma, Ariz.

The reservation itself is under the jurisdiction of the Phoenix area, but the health facilities are under our jurisdiction, so we have the statistics on the health matters there.

The Fort Yuma Hospital has a maximum bed capacity of 34, of which the use of 6 beds is authorized. From July 1, 1954, through March 31, 1955, the average daily number of patients in the hospital was 6.1. This represents 101.7 percent of the authorized capacity.

During the same period 195 outpatient clinics were held; 1,094 individuals were treated for an average of 11.8 treatments.

Senator LANGER. Pardon me, but where you have a certain number of beds authorized, like 28, and you only use 6, is that on an order from Washington?

Mr. HILL. Yes; it is a base on which they distribute financial support to the Indian hospitals that we have there. There are 34 beds, and they figure our allocation on an authorized capacity of a certain number.

Senator LANGER. What do you do with the rest of the beds? Are they left idle?

Mr. HILL. Yes, sir.

Senator LANGER. Supposing 8 or 9 Indians wanted to come in, can they or can't they?

Mr. HILL. They would be admitted. If 34 Indians came in they would take care of them.

Senator LANGER. Even if only six were authorized?

Mr. HILL. Yes. This was only a formula for distributing an annual budget. That is all it amounts to.

Medical, minor surgical, obstetric, and pediatric care is provided by the medical officer who is employed on a part-time basis. Patients requiring major surgery are transferred by ambulance to the Yuma General Hospital in the city of Yuma, and returned to the Fort Yuma Hospital for convalescence as soon as the patients can be moved.

Psychiatric care is provided by the State.

There is no dental officer at Fort Yuma, but emergency dental services for indigent Indians are authorized and paid for by the Bureau.

Senator LANGER. I didn't quite get you on that dental proposition.

Mr. HILL. There is no dental officer at the Fort Yuma Hospital, but emergency dental services for indigent Indians are authorized and paid for by the Bureau.

Senator LANGER. What proportion of these Indians are indigent?

Mr. HILL. A very high percentage at Fort Yuma are indigent. There are about 1,100 people on the reservation, and the land, about three-fourths of it, is irrigated agricultural land but it was allotted in 10-acre tracts about 40 or 50 years ago. The 10-acre size was too small for an economic unit and in the meantime we have this fractionation process by inheritance and it is difficult to hire anyone of them to farm the tracts, and the whole reservation has deteriorated during the war, because of a seepage problem.

But at the same time, only about 5,000 acres of the land is actually farmed and about four-fifths of that is farmed on leases to non-Indians on an improvement basis, they take the land, relevel it, resubjugate it for irrigation and the rental to the Indian people is comparatively low, and even if it were high, it would be inadequate, because of the small amount of acres in the allotment and the fact that there are several owners, and the one who received the original allotment had died, so that the Indians make their living primarily from outside employment, and much of it is in seasonal vegetable and fruit work.

There are numerous farms growing melons, fruits of various kinds, and cotton, and the Indians pick melons and work in the packing sheds and so on, but they do not have full time jobs on the whole. There are many exceptions. There are many capable people there working full time for the city of Yuma, for the Bureau of Reclamation, but they are not well off economically, and therefore there is a high proportion of indigency among them.

Mr. SIVA. I agree with him, they are about 100 years behind times and their economic status is awfully low.

There was another thing I was going to point out. Hen DeCoursey, the chairman of the Indian Council, and Edmond Jackson, Jr., and Clarence Olsen, who was council member, they told us that they were having trouble with the doctor in getting Indian patients in there, in the Indian Hospital, and I am certainly sorry that the Yuma representative is not here today.

Senator LANGER. What is their average income, do you know, per family?

Mr. SIVA. Well, the average income—

Senator LANGER. Would you know that, Mr. Hill?

Mr. HILL. I could not give you an estimate at all. We have no agriculture people, the only people employed by the Indian Bureau there, who has anything to do with employment or anything else, for that matter, except health, the statistics agent, who does not have the facilities for keeping track of the various families or their income.

Senator LANGER. Do you have a loan program of any kind?

Mr. HILL. There was one there at one time, but during the past 5 or 6 years no effort, or no active effort, has been made to closeout the loan program, rather than to expand it. In other words, there just isn't enough resources that the Indians have to work on to justify going into the agricultural business. In other words, he does not control enough land and he cannot lease it.

Senator LANGER. Can he make loans on cattle?

Mr. HILL. Yes, the program is set up so that they can make loans on cattle but, unfortunately, this reservation is composed entirely of irrigable land which is all allotted in 10-acre tracts, and there is little opportunity to engage in the cattle industry on a 10-acre tract, as you can well see, except that they want to go into the dairy business, perhaps something of that kind could be done, but, to my knowledge, there is no inclination on the part of the Indians to engage in the dairy business, and certainly there is no example of an Indian doing anything with livestock.

Now, a few of them, out of this 5,000 acres that is in cultivation, about 1,000 of that is operated by Indians who have gotten together enough capital to operate it on their own, but we just do not, and have not had for several years, an active loan program and when they did have it, they found that it was not a success but that the people just were not, they did not have enough economic or land base to justify any kind of enterprise that could be economically successful.

Senator LANGER. That is because of the small acreage?

Mr. HILL. That is right.

Senator LANGER. We found on the other reservations that it works out very well, where they had enough land, it worked out very well. On 1 reservation they borrowed \$72,000 and they paid it all back.

Mr. SIVA. They not only do not have any capital, not only that but there is a lack of education.

Senator LANGER. I see. Just what is being done for these indigent Indians?

Mr. HILL. Well, there is very little being done by the Bureau of Indian Affairs.

Mr. SIVA. May I interject my point there, Mr. Hill?

Down there those committee members told me that every time they asked the Bureau of Indian Affairs for any kind of help, they told them they were only thinking of termination.

Senator LANGER. They what?

Mr. SIVA. They were only thinking of termination, or the removal of supervision, that was the only answer they would give.

Senator LANGER. That you would be removed from it?

Mr. SIVA. They said they would not help, that they were working toward the removal of Federal supervision over the Indians, and they said that there would be no help forthcoming.

Senator LANGER. Mr. Siva's point is that for the California Indians, they are looking for termination of Federal jurisdiction and placing all responsibility on the State, and because of that they are not interested in improvements. We found that to be true in other areas also. If they need a new jail, hospital, or school, and they are close to the termination point, or a bill has been introduced, then the services are cut down, rather than spending money to rebuild a jail or school, they will just wait and see if termination will take effect, and during that interim, the Indian people have no services or, if they have services, they are limited services.

Mr. HILL. I would like to make some comments on that general program. I think it might be better if you would allow me to finish this first, and then elaborate on it, if you don't mind.

Mr. SIVA. Go ahead, that is fine.

Mr. HILL. I am not trying to tell you what to do.

Senator LANGER. Go ahead. We are very informal here.

Mr. HILL. It gives a little better background for the discussion here.

The Imperial County Public Health Department furnishes public health services without charge to the individuals or to the Bureau. Public health nurses make periodic visits to the reservation and to the school. Emergency and general nursing services are given, expectant mothers are attended and instructed, sanitation checks are made, and suggestions for general health improvements are given.

There are 13 employees in the hospital consisting of 1 physician (part-time) 4 staff nurses, 1 janitor, 1 cook, 1 laborer, 1 director of nurses, 2 housekeeping aids, 1 general mechanic, and 1 kitchen helper.

The Fort Yuma health budget for fiscal year 1955 is \$60,000.

We have 10 health contracts in effect covering public health nursing services, general medical care and tuberculosis hospitalization for indigent Indians residing in the respective counties as follows:

I might say that this covers the entire State where we have contractual relationships:

Services of public health nurses:

	<i>Per annum</i>
Humboldt-Del Norte Counties-----	\$4, 800
Mendocino County-----	3, 840
Modoc County-----	1, 800
San Diego County-----	3, 000

General medical care, we have a contract with the following:

	<i>Per annum</i>
Lake County-----	\$17, 750
Modoc County-----	14, 296
Mendocino County-----	25,000
San Diego County-----	18, 000

For tuberculosis hospitalization, we have contracts with the—

	<i>Per annum</i>
Weimar Sanatorium-----	\$168, 000
Wishiah Sanatorium-----	47, 250

Tuberculosis hospitalization is also furnished on a noncontract basis to indigent Indian patients who reside too far from either or both sanatoria if rates do not exceed \$10 per day, which is the rate we pay in the two I mentioned.

In general, except for the counties listed above, medical services are furnished to indigent Indian citizens by the counties, on the same basis as such services are furnished to other indigent citizens.

Because of the low utilization of the hospitals, efforts have been and are being made to transfer them to other agencies for operation or to close them and make other provision for health services.

EDUCATION PROGRAM

All Indians in California attend public schools and attendance is governed by State law. The Bureau of Indian Affairs under the Johnson-O'Malley Act, has a contract with the State of California which provides for payment of \$205,000 for fiscal year 1955. The purpose of this payment is to supplement the funds of those school districts which have significant acreages of tax-free trust land and are otherwise in poor financial condition. The Bureau does not main-

tain an Indian school census nor does the State compile the census on a racial basis.

Since 1952, no California Indian pupils have been admitted to Bureau boarding schools but most of those in attendance at that time have been allowed to complete their studies.

WELFARE

The Sacramento area office no longer has a welfare program since the various counties have assumed the responsibility. Our activities are limited to disbursement of funds of minors and incompetents which are derived from the sale or leasing of trust property and cooperating with State and county welfare officials, in connection with disbursement of such funds, eligibility for welfare assistance, appointment of guardians and related problems.

LAW AND ORDER

With the enactment of Public Law 280, 83d Congress, 2d session, criminal jurisdiction was transferred to the State of California so that we no longer employ law and order personnel and no funds are provided for this activity.

No statistics are maintained on the incidence of lawlessness on the reservations.

WITHDRAWAL OF BUREAU SERVICES

The program of the Bureau of Indian Affairs in California is actively directed toward the withdrawal of its supervision and services in accordance with the expressed intent of the Congress. In pursuance of this policy, the Bureau has taken steps to transfer community service responsibilities to appropriate State and local agencies. It is our belief that the Indians are receiving fair treatment and services equal or superior to those formerly provided by the Federal Government.

That concludes my general statement.

I would like to give you a little picture of the general situation in California. We have Indians on reservations, as I mentioned, scattered around in 33 counties of the State. They are scattered all over. There are 33 reservations in what we call the mission area. About 18 in San Diego County and they include the Los Coyotes Reservation, from which these people came.

There are 11 in Riverside County and 2 in San Bernadino County, and Fort Yuma is in Imperial County and we have a small one in Santa Barbara County, about 33. The rest of the 70 or 80 are scattered all over the State, with a concentration particularly in Lake and Mendocino Counties in the central coastal area up in the northwest section of the State, where the Hoopa is located and in Owens Valley.

There are, as I said, about 7,000 Indians, we estimate, who reside regularly on these reservations and rancherias. Those people make up a very small proportion, which is in excess of 12 million, I believe is the current estimate, and in no county do they make up more than 6 per cent, and I think in San Diego County, where we have this concentration, there is less than one-tenth of 1 percent of the population.

The reservations, in general, are pretty worthless for anything

except home sites. There are exceptional agricultural potentials at Fort Yuma, it is good land, but it is cut up into too small tracts. You less than an acre of land per Indian, and you cannot make a living on it, and there is no use trying to create an agricultural enterprise when they have nothing to back it up.

There is this exception in Palm Springs. The people in Springs, with less than 90 members in the tribe, and a total valuation of resources in excess of \$10 million, the Indians are comparatively well off. There are exceptions. Some of them are land poor, they are not making the maximum income out of their land that they could but they are well off, in general.

We have three small reservations, and one fairly sizable one in the Coachella Valley, beginning in Indio, down toward the Salton Sea. There is about 10,000 acres of good irrigable land to be brought under irrigation.

Senator LANGER. What tribe is that?

Mr. HILL. Really, tribal affiliation has very little significance in this State.

It is more reservation groups, composed of members of many tribes, and a mixture of tribes.

Mr. SIVA. Those tribes down below are desert Cohuillans.

Mr. HILL. That is correct, so far as I know the reservations are the Torres-Martinez, Cabazon, and Augustine Reservations.

Now, it is possible to allot 40 acres of irrigable land to each Indian. The program has not been completed but that land is in the low elevation and in a good situation climatically for double cropping and growing subtropical fruit, that is the date garden of the United States where most of the dates are produced.

Mr. SIVA. May I ask, Mr. Hill, was there any kind of an agreement made between the Indians and the Coachella Water District in regard to this?

Mr. HILL. That agreement has not been made yet.

Mr. SIVA. Under what conditions were those drainage ditches run across the valuable land diagonally down to the Salton Sea?

Mr. HILL. Some were acquired as rights-of-way by the Coachella Valley County District and rights-of-way were granted by the Secretary of Interior. Some of them were built without any right-of-way and that is one of our problems that we must work out.

Mr. SIVA. Was final consent received from the Indians?

Mr. HILL. No; you might say in some cases that the water district was actually in trespass. They needed the drainage ditch and it was so difficult the district thought it was too difficult to go through the procedure so they just built the ditches and were prepared to take the consequences.

That is one of the problems, certainly, that will have to be settled with the district and that is one of the things we certainly must do.

But in any case, those people have a potential resource there of substantial value. Each of them will be eligible and receive a 40-acre allotment of highly valuable land. In its very rough state, it is worth from \$125 to \$250 an acre, even without any clearing, leveling, or anything else.

In a highly developed state with a date garden on it, I suspect it might run up to two or three thousand dollars an acre.

Now, there are some other exceptions up there where the people have pretty good economic resources on the Hoopa Valley Reservation, which is quite a large area, with something like 800 people on it.

They have a substantial stand of timber.

Mr. SIVA. Just a moment, Mr. Hill. We are still down in the valley here. How about in regards to that water?

Mr. HILL. The domestic water is inadequate for the Torres-Martinez Reservation. There are some individual wells but in general the people do not have adequate domestic water.

Mr. SIVA. There are 5 families down there for the last 15 years who have been getting their water from the service stations along Highway No. 99 and they have been asking for domestic water and they have been overlooked, and in the report by the Bureau of Indian Affairs to Congress, the 83d Congress, 2d session, last year, it was stated that the Indians were economically secure, and they were ready for termination which is certainly contrary to the real truth.

All the Indians in California on the reservations are poor; they are destitute. In some places on the reservations, intolerable conditions exist right now.

Mr. HILL. Well, I would like——

Mr. SIVA. I am just bringing that point out.

Mr. HILL. I might say that up in the Hoopa Valley, they have 12 square miles covering 87,000 acres, and they have a good stand of timber, with about, I think, $1\frac{3}{4}$ billion board-feet. We have been harvesting timber there under contract, selling it, and the tribe has been accumulating about \$100,000 a year in revenues from the sale of the timber, and we will continue with that process.

Mr. SIVA. Do they benefit by that?

Mr. HILL. Of course they benefit by that. The money is deposited in the Treasury to their credit.

Mr. SIVA. How often do they get it?

Mr. HILL. They have received 1 per capital payment of \$100. Up on——

Mr. SIVA. Just a moment, let's take one at a time. The Hoopa Reservation, I was there personally and looked the country over, and it is potentially a wealthy reservation, but the Indian service has been sort of lax in probing the economic potentialities of that reservation, so right now the Indians are poor. I was there with them. They depend upon salmon and wild game. I know them personally.

Mr. HILL. On that point, the Indians have not been able to derive income directly from their timber sales. As I say, the only thing they have gotten out of it since the sales began in 1937 was one per capital payment made in February of this year.

The employment opportunities, however, in the timber industry are very good up in that general area, and practically all of the families do have to work out, in outside employment, to gain a livelihood, but there are available jobs and they get along pretty well.

In other words, there are some nice homes; it looks good as an Indian reservation; it is one of the best I have seen in my limited travels throughout the Indian country. So that they are not destitute but it is not due to the efforts of the Bureau of Indian Affairs or anyone else. Because of their attendance in public schools, their

contacts with Indians, and the armed services, and so on, they have gone out and sought employment themselves without assistance from the Bureau of Indian Affairs, and they have gotten along pretty well.

Mr. SIVA. As a man in service, I stayed with a friend of mine, Mr. Glen Moore; I was with him in a shack and he wasn't well enough. I lived with a family down there, and they were really in need of some sort of Marshall plan. I am well acquainted with pretty near all of the reservations in California.

Mr. HILL. It is true that there are many Indians who are not well off, and the general economic level of Indians in California is very low. There are some on the Hoopa Reservation who are hard up as there are in many non-Indian communities. As a community, however, you do not have the poverty and the helplessness you have in many other areas, where they do not have an opportunity for outside employment, and in areas of Arizona, New Mexico, and up through the Sioux country, where they have large reservations, there are more Indians than jobs. There are more Indians than opportunities for work, and there is just no place to work. Throughout California, as a general rule, the Indians are scattered widely through the 12 million population, and they have contacts with so many different industries and pursuits that they are not helpless. If they want to work, they can, for the most part, and there are opportunities. They have been forced to work. There have never been any provisions for them.

In general, as we stated here, the reservation resources are so scanty that they just cannot make a living there; they would starve if they tried.

I think Mr. Taylor here will tell you and Mr. Siva both on the Las Coyotes Reservation that the people just could not survive off the resources there, even though it is fairly sizable, of some 25,000 acres.

The land is of very low value, it is not developed agriculturally, and it cannot be. It is a granitic type of soil, very dry, and there is little forage that grows in the wintertime, and there is a little grazing, but actually I don't think that more than three or four hundred head of cattle could graze there more than 3 or 4 months of the year; and that, of course, is a relatively small operation and would take care of 3 or 4 families at best.

There are many more families on the reservation and there is no cultivated land and no opportunity for cultivating more than a very few acres.

I think that is typical of most of the reservations in the south there. And even though they do have some agricultural land, Rincon, the Morongo at Banning, and the LaJolla Reservation in San Diego County, and certain others which have been allotted the good land, has been cut up in 4- and 5-acre patches and it is just a nuisance to the Indians. The Indians cannot stay there and work 4 or 5 acres and make a living from it, so that they must move away from the reservation, or must be away. Many of them commute to work daily; others move for several months of the year; and some of them attempt to come back weekends and try to grow gardens, but it is an uphill proposition.

They cannot look after it and it is an impossible situation economically.

Mr. SIVA. The part of the reservation that I met with the tribal committee there last Monday, and they said they cannot utilize the land because of lack of water.

Mr. HILL. Yes, there is a general shortage of water throughout the southern California district. That is true, on the Indian reservations as well as in other places.

Mr. SIVA. That is the place you should go and investigate on that spot, that is a pitiful condition. When they said they were ready for termination, and that they would be assimilated by their white neighbors, which to me is just a black lie, the transition has been to the policy of too much paternalism to the Bureau of Indian Affairs and they have been hamstringing instead of bringing them up economically, socially, and politically, which is all zero, it has never been done. We are very much fearful of the Federal protection being removed, because some high pressure Congressmen are promoting that kind of an attitude.

Another thing we are fearful of, and that is that if you go on the reservation, there is no physical evidence that money was spent on the reservation. We were told that we squandered the money and that we did not utilize it, which is bad thinking on the part of Congress, because we never did see that money, we never did benefit by the money.

The same situation exists all over the reservations. At Las Coyotes, and that is a mountainous reservation, and if we had some kind of help to probe the potentialities of minerals on that reservation, it would help us. But we have no capital. The Indians are so poor. I know for a fact that the Indians don't have the income of \$500 per head annually.

Senator LANGER. Per family?

Mr. SIVA. Per family or individuals; and their education is nothing. I, myself, have had no education. I merely just got myself acquainted with this in trying to speak for the Indians and this is the only way I have learned to express myself a little bit.

If they see a car coming with white men it it, they will run into the bushes; they are the kind of people who Congress described as ready for termination.

Mr. CUMMIS. Mr. Hill, I would like to ask you a few questions regarding the general picture here in California.

Has the Indian Bureau office in California, your Sacramento office, been watching the development of the Indian peoples since they gave up jurisdiction to the State, so far as law and order is concerned? I mean, you heard complaint here this morning from Mr. Siva that this lawlessness on the various reservations exist and that there is absolutely no action being taken, and that if you call the sheriff's office, they are either too far away, too busy, or they haven't got the money.

What is your answer to those complaints along that line?

Mr. HILL. Well, the law itself was passed and was approved on August 15, 1953. Shortly after that we prepared copies of the law and distributed copies to all of the counties in the State of California, and to the district attorneys, to the sheriff's office, to the chiefs of police in the principal towns. We went around, too, and had a man make a personal visit to the counties where there were any substantial

number of Indians to discuss this matter with the law enforcement agencies, to make them aware of the passage of the law, and that it was their job from then on.

In 1 county, in Imperial County, where the Fort Yuma Reservation is located, the county put on, I think, 2 additional deputy sheriffs at a cost of, I think it was—or I think I was told by one of the board of supervisors—at a cost of \$1,800 a month, in addition to what they had spent heretofore.

They took over the problem and without question did a much better job than was being done where we had one policeman.

Senator LANGER. I think that we had better have some lunch.

Mr. HILL. Whatever is your pleasure.

Senator LANGER. We will be recessed until 2 o'clock.

(Whereupon, the subcommittee recessed at 12:30 p. m., and reconvened at 2 p. m.)

AFTER RECESS

Senator LANGER. You may proceed.

Mr. CHUMBRIS. I think we were discussing certain matters just before we adjourned for lunch pertaining to jurisdiction. I would like to know if the Indian people have taken any part in discussions pertaining to Public Law 280 in California, whether they were consulted or gave any consent.

Mr. HILL. I would like to give a little background of what we had here and how, in general, this Public 280—this Public Law 280—came about as it applied to California.

Now, for many years the Bureau of Indian Affairs has continued to curtail its services and supervision over Indians in the State.

Mr. CHUMBRIS. In this State?

Mr. HILL. In this State. And we were down to the point at the time Public Law 280 was being considered by the Congress, of having only 1 special officer to cover all of these 116 reservations in the State with the exception that we had employed 1 policeman at Fort Yuma and 1 at the Hoopa Reservation. It is obviously impossible for 1 man to administer law and order over a State of this size where the reservations are about 1,100 miles apart. That is the furthestmost reservations on the Oregon border, and the other is Fort Yuma down in the southeast corner of the State, so that we were forced for several years because of budget restrictions and gradual consolidation of agencies, an elimination of services and whatnot, to rely primarily on the local law enforcement officials, and the FBI and the United States commissioners. So that prior to the time the matter was being considered, we issued special deputy commissions in many cases to local law-enforcement officials, which gave them the right to make arrests on Indian reservations and to investigate crime and whatnot, but even when they made the arrests, the cases had to be brought before a Federal court, and it was a wholly unsatisfactory procedure.

Back in early 1951, I was employed by the central office and I was sent to California to visit the reservations in the State and to get some up-to-date information on the general opinion of the Indians and what the factual situation was with respect to the people and their resources, and among the questions that I asked in touring the State was whether the people would prefer to have law and order administered by the local authorities.

I didn't talk to many people, I tried to talk to 1 or 2 people on each reservation, and I cannot say that I consulted the Indians. That would be too much to say that, but the general consensus among the Indian people with whom I talked was, because of a lack of facilities we had, and the unwillingness of some county officers to go onto the Indian reservations and make the arrests, that it would be much better if the county sheriff's office had jurisdiction and could go onto the reservations and make investigations and arrests and the people could be tried in the local courts and whatnot.

I came to the conclusion that the people generally were in favor of talk, from talking to a few individuals on each of the reservations that were occupied. That is the extent, I think of the consultation on that since that time, although this matter had been considered in previous Congresses and there had been discussions over the years beginning, oh, I would say, back many years ago and there were some rather detailed discussions around 1948, particularly, and I think everyone who really looked into the matter felt that it was the only solution to the law and order problem, because of the widely scattered nature of the reservations, and the fact that we could not have a policeman, we could not have 116 policemen who would be available to look after their problems, so it was considered to be the only solution, and the Department recommended the passage of the bill and stated in its report that the people were in favor of the law.

One provision in the law has been the source of a great deal of controversy, and I might say opposition on the part of the Indians, and that is the provision in the act which specifies something to the effect that nothing in the act will—

Mr. CHUMBRIS. How long have you been with the area office at Sacramento?

Mr. HILL. I was going to state that there was a provision in this act which said that nothing in the act would tend to abrogate any rights that the Indians had with respect to hunting, fishing, and trapping, and so on, and that was guaranteed by any law, treaty, or agreement.

That provision was intended to protect the hunting and fishing rights of the Indians but in this State, unfortunately, there never were any treaties ratified, so the Indians were not subject to the treaties and had no hunting and fishing rights guaranteed by treaties.

In later investigation or consideration of the problem, it has been determined that they have no rights with respect to that which would derive from any agreement or statute either, so that they were placed in the position of having to obey State law with respect to hunting and fishing.

The Indians, I feel, were not fully informed on what the intent of the law was, and subsequent to the report of the Department on the bill, we did have a representative go around and talk to the Indians and it was not a very complete canvass of opinion, but our special officer did make a circle around the State and visited, I would say, 75 percent of the Indian groups in order to discuss this matter and did discuss this matter with them.

There was, I think, considerable opposition, particularly to the hunting and fishing provisions in the act as it was interpreted to them.

Now, there has been some resistance to the law, particularly in San Diego County, I think the reason being that San Diego is one of those counties which has been somewhat reluctant to enforce the law. It was in San Diego County where certain controversies arose where, as a result of the special commission being given to the law-enforcement officer in 1 or 2 instances, the officers went out and made an arrest on the Indian reservation and the Indian challenged him and threatened to sue him and the county, both, for illegal arrest. And I think in one case he may have made it stick: so the local law-enforcement people were suspicious of getting involved in something they felt they had no place in, and we had a special officer in San Diego, he did most of the law and order work in San Diego County, inadequate as it was, and when his job was abolished the county was somewhat reluctant to come in and take care of the situation.

So the Indian people who had been used to calling on our special officer were a little bewildered as to how to get law and order on the reservations and I am not sure that the situation has been perfected yet. However, San Diego County is not, I think, typical of the rest of the State. In other parts of the State—well, in Riverside County, which adjoins San Diego County, and which has a substantial number of Indians, the sheriff's office has been more than willing to co-operate, and subsequent to the passage of the act, I think I mentioned that, we sent a representative of our office around, I think it was about 6 months after the act was passed, and this man visited all of the county sheriffs and district attorneys' offices to see how it was working and the great majority, I would say 95 percent of the officials with whom we talked, were for it.

They were answering calls for law-enforcement people, and thought that it was the only solution and I think that the Indians throughout the State have pretty much accepted the idea of law enforcement by local jurisdiction for the usual criminal offenses.

There is this controversy on hunting and fishing which the Indians feel that they had been sold out on, and I think that they had a certain amount of justification for that feeling, because I do not believe that they were fully informed on what the real impact of the provision was and, as a matter of fact, I do not believe that the Department itself had fully investigated whether or not there were some statutes or agreements, or what not, that would protect their rights. And after the law was passed, and the investigation was made, it was determined that there were no such agreements or statutes that would protect them. so that it has not been a happy situation in that connection.

But I would like to state, as Mr. Siva testified, the State listened to the complaints of the Indians and Senator Williams from Modoc County introduced a bill in the State legislature, and hearings have been held on the bill, and I think the bill there, when the bill was placed there, there was absolutely no opposition expressed against the bill at the hearings which the State held. I believe the State will pass it.

Now, the bill itself provides, in essence, that the provision in Public Law 280 dealing with hunting, fishing, and trapping would in effect be repealed from the standpoint that the State would grant the Indians immunity from State laws with respect to their hunting and fishing rights and restore them whatever rights they had before the law and order bill was passed.

Mr. CHUMBRIS. How long have you been with the Sacramento office, did you say?

Mr. HILL. I came here in February of 1952, just a little over 3 years.

Mr. CHUMBRIS. February of 1952?

Mr. HILL. Yes.

Mr. CHUMBRIS. Were you in office when the questionnaires were mailed to you by the House Committee on Indian Affairs in preparation for a report they submitted September 20, 1954?

Mr. HILL. Yes, sir.

Mr. CHUMBRIS. They submitted a series of questions to the problems of law and order and how they felt about the removal and termination, and how they felt about other factors dealing with their Indian Affairs administration.

Mr. HILL. Yes, sir; I was, sir.

Mr. CHUMBRIS. I have before me this Union Calendar No. 925, House Report No. 2680, and I have been going through some of these different reservations and rancherias in California, and, of course, it does not deal with Public Law No. 280, but it does deal with the removal of Federal jurisdiction toward State jurisdiction.

From the ones that I have been able to run through here, it would indicate that most of them were against, rather than for, the removal from Federal jurisdiction toward State jurisdiction.

For instance, take the people in this particular area, the Torres-Martinez Tribe, only about 15 percent were in favor of, and 85 percent were against removal.

Mr. HILL. Are you speaking about law and order jurisdiction or about removal of supervision?

Mr. CHUMBRIS. Like I say, I am talking about removal, which is the final act, because the question as to Public Law 280 was not involved in this questionnaire, and I am using that as a basis for the feeling of the people, as to whether they wanted to remain under Federal or go to State jurisdiction, and from the answers to question No. 9, I assume that it is No. 9, which top is, removal of Indian Bureau supervision, my observation here of these different answers to those questions indicates that there were far more with the thinking that they would rather remain under Federal jurisdiction, rather than State jurisdiction.

Would you like to comment on that?

Mr. HILL. As you know, or perhaps you don't know, there has been a move on the part of the Congress and the Department to remove Federal jurisdiction from the Indians in California, and that started some years ago. But the first real interest, I think, specific interest, that the Congress took was at some hearings back in 1947, when Acting Commissioner Zimmerman appeared before a committee and he was asked to list those reservations and areas where supervision could be removed immediately. Among others, he listed the California tribes in the first category as those being ready for immediate removal from Federal supervision.

Now, there was a report, and some effort made on the part of the Department and Bureau in late 1948 and early 1949, to draw up a bill that would accomplish the purpose of removal of supervision. Nothing came of that.

But then early in 1951, there was a renewed effort toward that goal and in late 1951, there was a bill drafted by the Bureau of Indian

Affairs and presented to the Congress and to the Indians for their review and comment, and there were considerable comments received, and there were considerable differences of opinion as to whether they wanted to have the Federal Government pull out or not.

Now, I think that at that time, in late 1950, the Indians did consider the matter and considered the specific provisions of this bill. They had a very short time in which to consider it, and there were not many comments received from the Indian people, but of those that were received, a considerable number, and I think that the report of the Department said, a majority of the Indians were in favor of it.

Of course, there were a lot of them not in favor of it.

That bill was introduced into Congress, I think it was April 10, 1952. There was testimony from the governor's office, and I don't believe that there were any Indians who appeared to testify to the bill, but the American Association on Indian Affairs presented testimony and other persons expressed opinions on the bill, but in any case, the bill did not pass.

Well, then, a new administration came in——

Mr. CUMMIS. Let me give you a few illustrations and I think you can answer these as you go into your argument or your discussion.

This is Fort Yuma, approximately 90 percent of the members expressed themselves as not being in favor of release from wardship.

Then we go to Augustine and the spokesman and committeeman stated that a majority of the heads of families would oppose immediate release of wardship. This was indicated by a vote at a membership meeting in 1951.

At Barona, it was said by the spokesman that only the members of the Mission Indian Federation of California are in favor of release from wardship. The nonfederation members generally are not in favor of withdrawal of the Indian Service.

Then we go to Cabazon; the spokesmen and committeemen estimated that a large majority would be opposed to immediate release from wardship. It was estimated that 75 percent would be opposed to immediate release. It was said that this was indicated by a vote at a membership meeting in 1951.

Now, those are just a few of the reservations and that seems to be a trend all the way along, not only in California, but much more so, when we get to States like Arizona, Montana, Idaho, and areas like that—in New Mexico, North Dakota, and South Dakota, they are even far more against it.

I am leading up to this point, Mr. Hill: Public Law 280 has had two amendments submitted in this 84th Congress, one amendment deals with Public Law 280 not being effective unless the Indians are consulted. The other amendment deals with Public Law 280 shall not be effective unless they receive the consent of the Indians.

Now, bearing that in mind, what is your thinking on the problems that confront the State of California? Do you think in any way they will affect California?

Mr. HILL. We, as I understand the bills to amend Public Law 280, feel that it would not affect California, and that it would not undo any of the arrangements that were made for these five States that were included under California.

Mr. CHUMBRIS. Have you heard that any action might be taken to make it applicable or retroactive and applicable to States that already come under jurisdiction?

Mr. HILL. I have heard nothing in that connection and there is no intent, so far as I know for the State or anyone else to advocate any revision in that law, and, as a matter of fact, I think that if you were to poll the individual Indians in the State, that since this hunting and fishing matter has been disposed of—or we think it will be disposed of by amendment to the State law—that you will have a favorable reaction among the Indians for statewide civil and criminal jurisdiction.

In other words, I believe the Indians approve of it for the most part.

Mr. SIVA. May I interrupt there for just a moment?

This is a resolution that we made June 20, 1954, and we still adhere to that resolution.

It was sent to Senator William Knowland and I will read this part regarding Public Law 280:

RESOLUTION OF INDIAN CONGRESS OF CALIFORNIA

Whereas the Indian leaders that are assembled here today go on record condemning the Public Law 280. When the above mentioned bill was pending in Congress, many Indian groups and tribes submitted written protests, and by telegrams, opposing the legislation. Yet, the President of the United States declared it noncontroversial legislation and had no choice but to sign it.

In signing the bill, the President realized there was no proviso contained in the bill according Indians a right of referenda by electorate vote of the tribes or reservations concerned. Therefore, President Eisenhower made a directive to the Secretary of the Interior, asking for amendments to sections 6 and 7 of the aforementioned bill. This has not been accomplished; we have been informed; regardless of the amendments to the said Public Law 280, we won't be affected in California, because we are nontreaty Indians.

Therefore, we declare Public Law 280 unconstitutional on the virtue of the fact that it was railroaded through Congress on misrepresentations of the Indian Bureau of California. We have evidence to prove, Henry Harris, Jr., associate area director for California Indians, in Sacramento, Calif., submitted fallacious reports and recommendations in support of the then-pending bill which was known as H. R. 1063.

And that is the way we still feel.

Mr. TAYLOR. If an Indian in San Diego County gets in trouble up there and they call for the sheriff to come up, the sheriff will tell you to come down and get out a warrant, and then they will arrest him.

Mr. CHUMBRIS. You are from San Diego County?

Mr. TAYLOR. Yes, sir. They won't come to arrest him unless you go down to the judge and get out a warrant for the arrest of anyone in trouble.

Here not too long ago a boy went crazy from drinking too much in the Santa Isabel Reservation and they called the cop and he wouldn't come, so his brothers took him and hauled him down. They sent him to Patton for a few months and cured him up and now he is just as good as anyone else. He has come back to normal, he is working and has quit drinking.

Mr. CHUMBRIS. Mr. Hill, how many States have adopted jurisdiction under Public Law 280?

Mr. HILL. I don't think there have been any States, other than the States mentioned specifically in the act.

Mr. CHUMBRIS. I want you to mention which ones they were.

Mr. HILL. California, Minnesota, Nebraska, Oregon, and Wisconsin.

There were some exceptions in Minnesota, except the Red Leg Reservation in Wisconsin, the exception was the Menominee Reservation and in Oregon, an exception for the Warm Springs Reservation.

Mr. CHUMBRIS. And in the State of Oklahoma has, for years, assumed jurisdiction over criminal and civil matters, haven't they in the State of Oklahoma?

Mr. HILL. I am not informed on that subject. Do you know, Miss Singer?

Miss SINGER. As I understand it, in the eastern part of the State, where the reservations were dissolved, many years ago, and the only trust land that is in existence is allotted land, not on the reservation, the State does handle criminal matters. But in the western part of the State, I am not sure that that is the case.

Mr. CHUMBRIS. In the western part, if you consider the Anadarko area, they definitely now have jurisdiction, because we have already been through that area, as I was telling you informally during the recess, and I talked to the county attorneys and to the area director, in Anadarko, Lawton, Indiaboma, and places like that, and the county attorney has jurisdiction over the Indians for any misdemeanors or crimes committed, except for the 10 major crimes, and they don't take jurisdiction as to the 10 major crimes.

Now, I was wondering if you would explain to the subcommittee Low, if a man is working in Oklahoma, where the State has assumed jurisdiction for many years, with what success, if you have any information along that line, has that been handled. And you may answer that, Miss Singer, if you so wish.

Miss SINGER. I do not have personal knowledge of how it works. As I understand it, the Oklahoma situation, from the little knowledge I do have of it, things are in pretty good shape there. The Indians are very much a part of the general population, and are not discriminated against one way or the other. But that is not from working there but just from general information that I have obtained in the past.

Mr. SIVA. May I enlighten you also as to just the trend of the thinking of other citizens in this part of the country? This was a resolution by Riverside County last year in regards to the termination bill and it says:

RESOLUTION

On motion of Supervisor Hayden, seconded by Supervisor Warren, and duly carried, the following resolution was adopted:

"Whereas certain bills to provide for the termination of Federal supervision over the property of Indian tribes, bands, and groups in California, and the individual members thereof, are now pending before the Congress of the United States; and

"Whereas said proposed legislation may have a direct effect upon the welfare and economy of the county of Riverside and its inhabitants, by reason of the large number of Indian residents within the county and the large areas of land within the county which may be affected by such proposed legislation; and

"Whereas it is the opinion of this board that certain features of the proposed legislation are not consistent with the best interests of the county of Riverside, and its inhabitants for reasons including the following:

"(a) It appears unlikely that the Indians could be affected by the proposed legislation or that they will be, within the period allowed in the said legislation, sufficiently capable from the standpoint of education and experience to properly operate and manage the lands involved, or to become self-sustaining members of society.

"(b) Under the proposed legislation it appears possible that land titles as between individual Indian and groups of Indians may remain unsettled until after Federal supervision and control terminates, with the consequent possibility that it may require much costly and complicated litigation to adequately settle the said title problems.

"(c) It appears in many cases that existing roads along and across large areas of land to be affected by the proposed legislation are not constructed and maintained in accordance with county standards. The proposed legislation does not provide for improvement of these roads, prior to complete termination of Federal supervision, and it therefore appears likely that the improvement of roads might ultimately become an expensive county burden: Now, therefore, be it

"Resolved by the board of supervisors of the county of Riverside, State of California, in regular session assembled, this 26th day of April 1954, That this board should and it does hereby record its opposition to those certain bills now pending before the Congress of the United States which seek to provide for the termination of Federal supervision over the property of Indian tribes, bands, and groups in California, and the individual members thereof, and be it further

"Resolved, That the clerk of this board is hereby authorized and directed to bring to the attention of the Congress of the United States and to the legislature of this State this board's opposition to said proposed legislation by sending certified copies hereof to the honorable United States Senators from California and the Congressmen from this district and to the honorable State senator and assemblymen from this district."

Rollcall resulted as follows:

Ayes: Supervisors Hayden, Warren, Lewis, and Jones.

Noes: None.

Absent: None.

Pass: Supervisor Varner.

The foregoing minute order is hereby certified to be a full, true, and correct copy of the minutes made and entered on the 26th day of April 1954, in book 50 of the supervisors' minutes, at page 91 thereof.

Attest April 26, 1954:

G. A. PEQUEGNAT,

*Clerk of the Board of Supervisors in and for the County of Riverside,
State of California.*

By Betty Cook, deputy.

I would like to introduce that as a part of the hearing.

MR. CHAMBERS. Do you have anything else there? I think there is another document. The one that you just read may be made a part of the record. You have already read it in full, so it need not be copied in.

MR. SIVA. This one here, this pamphlet here, it says here in the headline, Threat to American Indians, Termination in 83d Congress. Lee Metcalf, M. C.

SENATOR LANGER. That may be made a part of the record. Let it be exhibit No. 14.

(The booklet referred to above, entitled "Threat to American Indians Termination in 83d Cong.," was marked "Exhibit No. 14," and is as follows:)

[Reprinted from Social Order]

THREE ARTICLES ON THE THREAT TO AMERICAN INDIANS

TERMINATION IN 83d CONGRESS

Lee Metcalf, Member of Congress

Twenty years ago a basic revision of Indian law and administration was established with the Reorganization Act of 1934 which restored the bilateral partnership of Indian tribes and the Federal Government. By this act the Indians were not only granted an existence as distinct communities with their own properties, culture and religion, but they were promised Federal assistance. The years of numerous individual treaties were consolidated in this act. Since

then, the Indians have experienced regrowth of their culture, population increase, extension of lands and capital assets and increased participation in business and government.

In the 83d Congress there was a concerted effort to destroy this Indian Reorganization Act absolutely by means of more than 100 bills nominally designed to "free" the Indians. The treaty of 1855 established the Indian reservations as homes for the Indian people as long as they wanted to live there. From about 1870 on, a series of abortive attempts has been made at withdrawal legislation to turn Indian property over to the whites, at the same time destroying the Indian people as a community. Indian-owned lands, forests, minerals, waterpower and other assets now worth billions of dollars would change hands. Indians are represented by tribal organizations in 17 States and number more than 400,000 with 54 million acres of land, according to the 1950 census. In Montana, whose First Congressional District I represent, 40 percent of the Indian population live on 7 reservations and have interests in dam sites, minerals, timber, and farming and grazing lands.

There are many propositions to bear in mind in any study of the termination question. Some authorities advocate immediate removal of Federal supervision. Others, among them legislators and Indian authorities, are convinced termination should result only with the consent of the Indians and only when the Indians themselves are ready to terminate the supervision of their lives and activities.

Proponents of termination legislation advocate a termination of Federal services and protection on the reservation, to "emancipate" the Indian. This is in line with those who call Indians "second-class citizens" because in certain cases our Federal Government is helping them. I object to this terminology and to the specious reasoning that they become "first-class citizens" only if we break the promises we made them and take away their benefits.

Indians are no more second-class citizens because of Federal benefits than are veterans, farmers, subsidized airlines and steamship companies, manufacturers behind the tariff wall, or the businessmen with rapid tax writeoffs. The act of Congress of June 2, 1924, bestowed full citizenship on every Indian born in the United States who did not previously enjoy it. As a result, Indians may sue in court and make valid contracts. They may vote in Federal, State, and local elections and pay most Federal, State, and local taxes. They hold office in our State and Federal Governments and serve in the Armed Forces. They can leave their 200 reservations if they like, but they also can enjoy the right to live as a part of the American Indian culture if they choose to stay with their tribes.

I would oppose elevating Indians to first-class citizenship and oblivion just as I would oppose such elevation for veterans, farmers, and all other groups whose economic well-being has rightly become the concern of our Federal Government.

PREPARED TERMINATION

Actually, everyone believes that regulations concerning Indians should be lessened, that some restrictions must be removed, that the Indian Bureau must be gradually eliminated. Adequate preparation must be made in advance for such disposition of our Indians. All this necessarily must be long-term in culmination. There must be integration before termination. In Montana, for example, Indian children are attending the same schools and participate in the same activities as other children in the American family.

There had been attempts at termination in recent years but not on the scale of 1953-54. In the first session of the 83d Congress, House Concurrent Resolution 108, declaring it to be the policy of Congress that certain named tribes "be freed from Federal supervision and control," was passed. The report filed in the House stated that the Indian bills before Congress had "two coordinated aims: First, withdrawal of Federal responsibility for Indian affairs whenever practicable; and, second, termination of the subjection of Indians to Federal laws applicable to Indians as such."

Ten termination bills were introduced; five were passed and signed by the President. These bills were withdrawal and termination bills in more than one sense—withdrawal from the Reorganization Act of 1934, withdrawal of Federal trust from Indian properties placed on local tax rolls, abolition of tribal constitutions and corporations framed under the 1934 act, and abrogation of Federal-Indian treaties with an enforced individualization of Indian properties.

SOME APPROVED

At least four of the bills that passed were accepted by the Indians concerned and drawn after consultation with tribal attorneys. Nevertheless, some features must not be regarded as precedents for future legislation. The acts applicable to the Uintah-Ourays and the Klamaths broke up the tribes and the Uintah-Ouray bill discriminates between the full bloods and the mixed bloods. Regulations concerning tribal rolls for distribution of assets do not adequately protect individual rights. Maintenance of tribal integrity under State laws is uncertain.

However, all the bills passed either had received approval of the tribe affected, or no objections have been filed by the Indians concerned. Tribes such as the Flatheads of Montana who appeared and objected were able to defeat termination legislation.

During hearings and discussion on the floor of Congress the proposition was established that termination legislation should not be enacted without consent of the Indians themselves.

In July 1953 proponents of Indian termination saw their first victory when H. R. 1063 passed almost without hearings or discussion from the floor. Signed by President Eisenhower, it became Public Law 280, an act which empowers any State (no exceptions) to impose on tribes its own civil and criminal codes and enforcement machinery and thus to wipe out the tribal codes and tribal authorities of self-protection. Although President Eisenhower denounced the bill because of its failure to require even "full consultation in order to ascertain the wishes and desires of the Indians," he expressed the hope at the time he signed the bill that it would be amended "at the earliest date to provide that the Indians affected would be consulted before State law and order could be extended over their homelands."

During the second session no such bill was offered by the administration, and bills requiring consent (S. 2625, H. R. 7193, S. 2838) or even consultation (S. 3597, H. R. 9506) received scant consideration and failed to get out of committee.

The so-called competency bill which would have forced sale of jointly held Indian land was defeated as in earlier Congresses; it has little chance of passing in the 84th. Also defeated was legislation to dispose of all tribal funds by forming a per capita distribution and to liquidate all Indian tribes and the Indian Bureau within 3 years.

Transfer of responsibility for extension work on Indian reservations was shelved, largely because many tribes feared that they might suffer discriminatory treatment. But the 83d Congress did transfer Indian hospitals and medical facilities to the Public Health Service. This met with the approval of most tribes.

Bills to transfer to Indian tribes control over their tribal funds, to extend time for filing claims before the Indian Claims Commission, to require State agencies to disregard the value of trust lands in determining the needs of Indians under the Social Security Act were ignored, although many had the support of various Indian tribes.

It is hoped that the 84th Congress and the administration will follow the leadership of President Eisenhower who has pledged "to consult with the Indian people of this country and to give them every opportunity for a full expression of their desires, suggestions, hopes, and aspirations." If we have such consultation, the apprehension of Indian leaders, caused by the drive for absolute termination in the last Congress and by the recommendation of the House Interior and Insular Affairs Committee that Federal supervision over dozens of tribes be withdrawn, and tribalism destroyed, will be allayed.

CITY AND RESERVATION INDIANS

George Engstrom and Sister Providencia

From the College of Great Falls in Montana comes a pioneer effort at comparatively surveying Indian populations on reservations and in cities of the Northwest. One hundred families presently living on four reservations were compared with 100 families living in several cities of Montana and North Dakota. The focus was upon the Indian family, not upon the individual. Social adaptation and financial support among Indians must be viewed in terms of the family.

This study sought to test the opportunities for full citizenship now utilized by

Indian groups living on and away from the reservations, the amount of community participation realized by Indian families, living conditions, health and income maintenance.

METHOD

Both the interview and mailed questionnaires were used to secure data directly from the families. Nine hundred questionnaires were sent out during October and November 1954 to 12 reservations and 20 cities over 5 States. This preliminary report covers a study of the first 200 replies received from Great Falls, Helena, Butte, Havre, in Montana, and from several North Dakota cities; from the Blackfeet, Crow, Fort Belknap reservations in Montana and Umatilla in Oregon.

Assisting the sociology staff of the college were missionaries, city clergymen, social workers, school personnel, college students, as well as Indian volunteers. These last included tribal councilmen and other reservation residents, in addition to the nine Indian citizens of Great Falls who traveled to Havre, Helena, and Butte with the questionnaires. The data from North Dakota were collected with the assistance of Mr. John Hart, North Dakota Indian Affairs Commission.¹

TABLE 1.—*Size of Indian families on reservations and in cities*

Number of persons	100 reservation families	100 city families
1 to 3.....	11	17
4 to 6.....	41	45
7 to 9.....	30	24
10 to 12.....	10	13
13 or more.....	5	1
Not reported.....	3	0
Total.....	100	100

The findings which follow can best be understood by referring them back to the purpose of the study and to the fact that the schedule was not intended for use by professional interviewers. They are limited findings, perhaps indicative of different trends among Indians in urban and reservation environments.

The first fact that came to light is that reservations are not segregated areas. Glacier County, Mont., encompassing most of the Blackfeet Reservation, had 3,581 Indians and 6,064 non-Indians in 1950. The 1,557 Fort Belknap Indians had 3,581 non-Indians in their county; the 2,707 Crows had 4,284 non-Indians.²

Family size was nearly the same for both groups. Reservation families had an average of 6.5 members; the city, 6.3, with enough difference to verify the urban trend. There were 1,283 individuals reported in the 200 families, counting father, mother, and children. This did not, in all probability, represent the support membership, since Indian families usually have numerous accepted members.

Indian citizenship: The following questions sought to determine the degree of citizenship responsibility of Indians: "Are the children of school age in school?" "Do most of you attend church?" "Is there a registered voter in the family?"

¹ It is estimated that the 100 reservation families totaling 666 persons represent a sample drawn from 12,000 individuals. The total Montana Indian population according to the 1950 Census was 16,606. (U. S. Bureau of the Census, Seventeenth Census of the United States: 1950. Population, vol. II (Washington: Government Printing Office, 1952), p. 21.) The city sample represents fewer persons, but an indication is given by the fact that Great Falls had 130 resident families; Havre, 52; Helena, 47. Efforts were made to secure a random sample in Montana's largest city and on the State's most heavily populated reservation. The 50 names from Great Falls were drawn from the 130 known Indian families, the majority of whom were resident from 5 to 50 years. The Blackfeet random sample was made by selecting every tenth name from a file of 660 grade school pupils. In setting up the universe, no attempt was made to obtain a proportional, rather than an equal, representation of reservation and nonreservation families although the validity of such an approach was recognized. It was unfortunate that the reporting techniques could not be standardized to prevent bias, but the time element and the lack of staff interfered. It was recognized that, in itself, the use of the early replies would add prejudice to the universe, as would the fact that so many of the reservation questionnaires were handled through the schools.

Sister Providencia supervised collection of data and provides much of the interpretation; Mr. Engstrom followed the project throughout and contributes the evaluations for this report.

² U. S. Bureau of the Census, Seventeenth Census of the United States: 1950. Population, vol. II (Washington: Government Printing Office, 1952), p. 58.

"Has anyone in the family ever run for public office—tribal, county or State?" "Has anyone in the family been a volunteer leader in community projects?" (e. g., Red Cross, welfare, and church drives.) "Has anyone in the family paid taxes, personal or otherwise this year?" Has anyone in the family donated to community drives?"

TABLE 2.—*Indian exercise of citizenship by voting, candidacy for public office, taxpaying*

Citizenship factors	100 reservation families			100 city families		
	Yes	No	No reply	Yes	No	reply
Voting registration.....	86	12	2	59	39	2
Candidacy.....	25	75	0	4	90	6
Taxpaying families.....	54	45	1	74	24	2

Indian voting record: The proportion of both groups who exercised the franchise was higher than expected, since our impressions of Indian cultural developments did not lead us to expect such political consciousness.

Candidacy for public office: Both reservation and city groups would be considered higher than the total population, especially since 25 out of 100 families produced a community leader. Miss Florence Schmidt verified the candidacy for the June 1954 district tribal elections: Old Agency, 11; Seville, 16; Heart Butte, 17; Browning, 20. Six filed for local, county, or State primary elections from the Blackfeet Reservation. It was partially determined that replies from the city sample reported some past reservation experience.

Taxation: Only 54 of the reservation families paid taxes in 1954, against 74 among the city families. The reservation total is low since Montana Indians are exempt from tax by treaty. The Government agreed to maintain Indian lands free from alienation (of which taxation is one form) perpetually, if immense areas were surrendered to white settlement. Since 1887, however, lands have been voluntarily removed from trust status; some reporting may concern taxes on these fee-patent lands. The higher proportion of taxpaying city Indians may reflect personal, income, and social security taxes in the urban environment.

Community participation: Besides citizenship responsibility, attempts were made to evaluate secondary group cohesiveness by measuring participation in community affairs: Church attendance, community projects, financial responsibility.

TABLE 3.—*Indian exercise of citizenship by community participation*

Types of participation	100 reservation families			100 city families		
	Yes	No	No reply	Yes	No	No reply
Church attendance.....	88	10	2	64	31	5
Volunteer leadership.....	35	62	3	18	80	2
Donations to community projects in 1954.....	76	23	1	53	45	2

Church attendance is high for both groups. The reservation figure of 88 families may indicate influence of mission schools. Two out of three Montana Indians are Catholics, and 27 Catholic churches are on the 7 reservations.³ The question of attendance left room for individual interpretation.

Thirty-five reservation families and 18 in the cities provided workers for local community affairs. Participation in group projects confirms the trend indicated in political participation. The number reporting contributions is even more outstanding in both groups, despite the low average family income reported elsewhere in the questionnaire. Such contributions, from the anthropological point of view, may be a continuation among Indians of the giveaway tradition upon which the Northwest prestige system was built. Sharing is elemental to Indian life, however, and remains a mark for the Indian cultural heritage.

³ Rev. J. B. Tenny, S. J., *The Indian Missions, 1954*, *The Indian Sentinel*, 34 (February 1954), 19-21.

Among themselves, Indians share living space. Table 4 indicates 3.7 rooms per family on reservations and 3.6 per city family, about one-half room for each member. When one remembers that this survey does not report a complete count of wider family membership, the inadequacies of Indian housing both off and on reservations is clear. Home ownership was 66 to 35 out of 100 in favor of reservations, but nothing is said about the adequacy of the above. There is 1 family of 8 living this month (December) in a tent at Great Falls.

TABLE 4.—*Living conditions in Indian homes—Number of rooms*

Number of rooms in homes	100 reservation families	100 city families
1 room.....	15	6
2 rooms.....	22	24
3 rooms.....	16	23
4 rooms.....	12	16
5 rooms.....	11	6
6 or more.....	12	6
No reply.....	12	19
Total.....	100	100

The median number of rooms for Montana houses was 4.0 according to the 1950 census. Only 19.0 percent of homes had 1.01 or more persons per room. In counties with high Indian populations, the median number of rooms for 4 counties ranged from 3.4 with 32.4 percent having 1.01 persons per room, to 3.5 and 37.2 percent. Owner-occupied homes (nonwhite) were occupied by 39.6 percent of urban families and 77.3 percent of rural families.⁴

Surprisingly, city Indian families living in the outskirts have fewer conveniences (water, lights, indoor plumbing) than the reservation people. Black-foot homes with electricity were reported from the Rural Electrification Administration which, by the way, offers another opportunity for group participation.

Health hazards arising from Indian housing are serious. A distressing number of infant deaths was indicated: 5 for the reservations and 8 for the cities in 1954; 2 in Helena were charged to starvation. In Great Falls, the Health Nurse visits Hill 57 almost daily to prevent epidemics of diarrhea and impetigo; Columbus Hospital pediatrics department reports up to 50 percent Indian-infant admissions during the winter months. Another study must seek measurements of mental and moral ill health. Dr. Catherine Nutterville, former clinical psychologist at Great Falls, had an indication from Mr. Casper Wilhowe, superintendent of the State Industrial School; out of 27 boys of Indian descent presently committed, 16 are from reservations, 11 from urban areas.⁵

TABLE 5.—*Living conditions in Indian homes—Conveniences*

Types of conveniences	100 reservation families			100 city families		
	Yes	No	No reply	Yes	No	No reply
Water in house.....	39	56	5	47	35	18
Indoor plumbing.....	26	39	35	31	45	24
Electricity in the house.....	71	11	18	46	46	8

Findings on the number of high-school graduates are significant: 60 to 13 in favor of reservations, but the school distribution of questionnaires must be noted here. The 11 college graduates in reservation families are noteworthy. In general, reservation students have an advantage over city Indians who do not share the distribution of tribal money for scholarships, nor do they receive "school money" during August from reservation dividends. Many children in both groups are prevented from prompt entrance into school by work in the fields.

⁴ U. S. Bureau of the Census, U. S. Census of Housing: 1950, vol. 1, General Characteristics, ch. 26, Montana (Washington: Government Printing Office, 1952), p. 3.

⁵ Telegram to Dr. Nutterville from Miles City, Mont., December 20, 1954.

Indian income maintenance is complex. The sharing mentioned above is no mean factor, as is seen from the fact that the survey brought to light 4 city families with no ascertainable source of income and 23 other families who did not reply to the annual-family-income question. There are four main sources: (1) Income from reservation land, owned as individual allotments or as tribal assets; (2) employment, including self-employment; (3) Government assistance of 2 categories—that common to all citizens and special services under treaty relationships; (4) private agency assistance.

TABLE 6.—*Indian educational attainments*

Factors	100 reservation families			100 city families		
	Yes	No	No reply	Yes	No	No reply
All members of the Indian family speak English.....	93	6	1	94	3	3
One or more members of the family is a high school graduate.....	60	37	3	13	80	7
One or more members of the family is a college graduate.....	11	86	3	0	94	6

Probably the least familiar type is income from tribally owned land and resources. It is paid out as per capita often twice a year. The 64 Crow, Umatilla, and Blackfeet Reservation families reported a total receipt of \$19,480 during 1954. Seven city families reported \$672.60 from tribal dividends. (It is important to emphasize that this is not Federal money; it is Indian money.) Tribal funds were reported tapped for direct relief by 12 families, while 21 families, also reservation residents, received tribal grants or loans: school expenses, 5; health needs, 12; farm loans, 3. Democratically elected tribal councils allocate these funds.

TABLE 7.—*Income maintenance, I: Indian ownership of land*

Ownership factors	100 reservation families			100 city families		
	Yes	No	No reply	Yes	No	No reply
Land ownership:						
1. Family owns an allotment or individual share of reservation land.....	90	9	1	20	69	11
2. Family derives income from allotments (Indian money).....	58	28	14	9	47	44
3. Family derives income from interest in tribal lands (Indian money):						
(a) Per capita dividends.....	64	23	13	7	73	20
(b) Tribal relief funds.....	12	87	1	0	94	6
(c) Other assistance from tribal funds.....	21	75	4	1	94	5
Family savings.....	28	69	3	13	82	5

Corporate funds will probably be increased in Montana, North Dakota, and other nearby States from oil and uranium discoveries on Indian lands. Miss Lois Bailey of the Montana Oil Journal reported to Sister Providencia: The bonus only paid to Blackfeet allottees and to the tribal corporation in 1954 was \$3,913,057, a notable increase over returns of previous years. Up to January 1, 1954, it was \$176,923.16. These figures do not include the oil rentals paid to Indians of that reservation at \$1.25 per acre yearly. We estimate this to total \$100,000 at the present time.⁶

Elsewhere in Montana, on the Fort Peck Reservation, the Journal stated about a single field: "The Murphy testimony was that of the estimated 569 million barrels of oil in place in the field * * *"⁷

⁶ Conversation at Great Falls, December 23, 1954.

⁷ Montana Oil Journal, December 11, 1954, p. 1.

TABLE 8.—*Income maintenance, II: Employment during October 1954*

Employment factors	100 reservation families	100 city families
Self-employment.....	11	1
White collar occupations.....	11	0
Skilled labor.....	12	26
Semiskilled and common labor.....	20	50
Total number employed.....	54	77

Three-fifths of reservation and four-fifths of city families reported employed persons in the family constellations at the time of the survey. (September and October are peak employment months in the Northwest.) The city families take advantage of the employment opportunities which are far greater in the city than on the reservation, but they are so limited as to offer no great resource. The employment categories in the cities included the following: Skilled laborers in construction and at the smelters, 26; semiskilled and common labor, 50.

One city dweller reported self-employment, but there were no white-collar categories. The reservations reported: Self-employment and white-collar jobs, 22, indicating higher status possibilities. Many of these have been opened to Indians through Indian Bureau policy. A Blackfeet Indian criticized the sample for not reflecting a true picture of Indian farm operators. The trades reported were carpentry, machine operation, railroading, and farm labor. To be noted is the percentage of employed heads of families in view of the most frequent on-the-street statement heard about Indians, "They won't work."

TABLE 9.—*Income maintenance, III: Governmental and private agency support, 1954*

Assistance factors	100 reservation families			100 city families		
	Yes	No	No reply	Yes	No	No reply
Federal Indian Bureau relief (tax money), 1954....	19	69	12	0	91	9
Federal Indian Bureau payments (tax money)....	1	77	22	0	93	7
State and county relief in 1954 (tax money).....	17	82	1	29	68	3
Private agency relief.....	1	77	22	28	64	8

General relief and categorical assistance were given 17 families on reservation in addition to the assistance reported from the Indian Bureau. Miss Schmidt thought that the high report in the latter regard may have been a confusion of agencies by the Indian, for the tribe has its own relief program in cooperation with Glacier County. The city Indian family was assisted in 29 cases by the welfare department which, to a greater extent than the Indian Bureau, has filled unmet needs, both on and off reservations. The recognition of the Federal Government's responsibility toward the "enrolled Indian" is reflected in local rulings against general assistance to him. In addition, the city Indians do have recourse to private agency help which was reported mainly from Helena and Great Falls from the Salvation Army (an agency first active in the urban field), Lutheran welfare, and Catholic institutions. Private individuals make outstanding contributions. Reported Mr. Floyd Miles, DeMolay center executive, Great Falls: "Last year at Mrs. Cobb's party for Hill 57, we expected 74 children; 96 came. This year the list is up to 160. Each boy will receive a flannel shirt, and girls, mittens."⁸

⁸ Telephone conversation with Sister Providencia, December 23, 1954.

TABLE 10.—*Preference by Indian families for life on the reservation or life in cities*

Source of replies	Number of Indian families	Source of replies	Number of Indian families
Reservation:		City:	
Prefer reservations.....	78	Prefer reservations.....	34
Prefer cities.....	9	Prefer cities.....	26
"We have no reservation".....	2	Prefer cities only because of employment.....	15
No preference.....	2	"We have no reservation".....	14
No reply.....	9	No reply.....	11
Total.....	100	Total.....	100

There was one open-ended question in the survey: "Where does the family prefer to live—on the reservation or in cities? Why?" The response was heavily in favor of the reservations for both groups, 78 in 100 on the reservations themselves, with reasons given that reiterated, "Land, land, land * * * we have cattle * * * it is not noisy * * * this is our home * * * because we like it * * * because there is too much prejudice in the cities." These were the contented people. Some in favor of the cities wished for more conveniences, better law and order, jobs. The total of 34 answers in the city favorable to reservations should be increased by 15 who indicated that they preferred the city only for employment reasons, and by 14 families who "have no reservation—our allotments were canceled."

CONCLUSIONS

The study, as it was done by the College of Great Falls, was limited in nature. It may not be statistically representative of the universe studied, but it does raise questions for future research. The limited nature of the study as reported was partly due to lack of time, field workers, and research personnel available, but also because of the complexities involved in finding a common denominator for the measurement of such population samples.

We see here in toto a group closely following the patterns set by other minority peoples. The large families, poor living conditions and health standards, fewer economic opportunities would seem to indicate that the adaptation process is still in its early stages. The degree of educational attainment by members of the reservation families is an exception to this conclusion. This is probably due to the group resources available on the reservation. The effort the tribes are making to help themselves and the individual benefits derived are seen in the greater educational, religious, and community participation of the reservation Indian. The greater employment opportunities of the city, while limited in nature and number for Indians, seem to compensate for the security of tribal income and land ownership of the reservation Indians. The help of Government is, significantly, in smaller proportion in regard to total income than common belief would indicate.

In summary, it could be stated that the shift of Indian families from the reservations to the city may be accompanied by a slight rise in economic opportunities, but a loss in group status and individual attainment. The reservations, while valuable in controlling the acculturation process and in providing emphasis toward it, should be able to offer more resources toward self-help.

OBLIGATION OF FEDERAL TRUST

The Montana Committee Against Termination—James J. Flaherty, chairman

Citizens of Montana have discussed termination since the Flathead Tribe was threatened with liquidation in 1953. We have held forums, studied testimony and policies for other Indian tribes, particularly House Report 2503 (82d Cong.) and House Report 2680 (83d Cong.). We have also profited from contact with local and visiting Indians.

We protest the termination program, its philosophy, its spirit, its goals, and its methods. We refuse to go along with the propaganda language: full citizenship, acculturation, antisegregation, and competency. The last particularly is in bad repute because it has been used often to shame and intimidate Indians.

Termination dates from the Dawes Act of 1887 which found a way to abrogate Federal treaties with the Indians. It authorized dividing tribal lands and granting fee patents for allotments to Indians judged competent to manage their affairs. Now a new program seeks to dissolve tribal property by pronouncing whole tribes competent to manage their affairs. Furthermore, Indian consent is no longer needed. The Minneapolis area office requested: "Required legislation should provide * * * authority to remove restrictions without the consent of the Indians" (H. Rept. 2680).

RELATIONS CONTRACTUAL

The Indians agreed to end wars and cede lands to white settlers in exchange for certain inalienable lands and certain services which they could not provide for themselves. Congress granted itself plenary authority over tribes, even that of abrogating treaties. Citizens have the duty of directing Congress in fulfilling solemn obligations and to examine whether proposed policy will preserve Indian lands inalienable, whether other agencies are equipped to assume Federal responsibility regarding such services as health protection, education, legal guidance, and financial credit.

If mutual agreement to break the trust contract should be reached, total tribal membership should be polled; the consent of the elected tribal governing body should be obtained. Every safeguard should be taken that no clique can fee-patent the whole tribe.

The Federal trust relationship was explicitly acknowledged in House Report 2680: " * * * the manner in which the Bureau of Indian Affairs has fulfilled its obligation of trust as an agency of the Federal Government charged with guardianship of Indian property." Yet people who urge termination ignore this issue. They prefer to retort: "You want to keep the reservations. You want to keep the Indians segregated. You want them to keep their culture."

The chain of consequences is an assumption. There is no segregation for Indians on reservations above the Mason-Dixon line. Indian culture will go on wherever Indians live. Look at the 500 Mohawks in New York City, at Chicago's new city reservation, at the fourth generation of Indians on Hill 57 in Great Falls. Ultimately the Indians' cultural pattern is their own affair, so long as law is not contravened. If Indian culture is good enough for movies and tourists, it ought to be good enough for the Indians.

RECOMMENDATIONS

Our citizens' committee respectfully calls for a halt to termination programs. We also present some practical suggestions as alternatives.

1. Study the Consequences to Date and Fix Responsibilities—by Stanley Deck, Indian Information.

(a) The progress of tribes terminated by the 83d Congress: The Klamaths and Menominees are our samples in this new social planning. They had their own tribal lawyers. It is said that they wanted this new step. They have some of the richest forest lands in the country for a stake. Let us watch and evaluate. Let us wait.

(b) Hardships of off-reservation Indians: Many are now caught in difficulties arising from agency paralysis. Don't send the Indians off the reservations to learn "full citizenship" responsibilities from Federal and State officials and county welfare boards. We have nine families of unemployables in Great Falls who are told alternately: "Go back to the reservation" and "Stay where you are." Meantime, their children's hungry faces are not good to see.

(c) Exhiling Navaho children to the Oregon boarding school at Chemawa. They were required to sign an agreement never to return to the reservation. We protest this assault on the Indian family, this displacement of a people from their homeland.

(d) Increase of alcoholism on reservations: Indians were "freed from restrictions of Federal law" to enhance their sense of individual responsibility. Now they are being told, "You've had your chance; we're through with you."

We followed Father Francis J. Corley's protests against termination in the Congressional Record, June 14 and June 28, 1954. We find his apprehensions justified.

2. Study Attitudes of Citizens in Indian States—by Dr. Catherine Nutterville, clinical psychologist: former president, Montana Conference on Social Welfare.

The move for termination of the reservation system is creating immeasurable culture shock among vast numbers of Indians. Insecurities, real and imagined, have long been the Indian's lot. The threat of transition into unknown, unfamiliar responsibilities is aggravated by the fact that most Indians have far to go to acquire what we call American culture. Whether it is desirable that they ever acquire it may be questioned. Not to be questioned, however, is the fact that these Indians, in their present confused state are not, as individuals or as groups, able to achieve the success and happiness that insures mental health.

As for the non-Indians, our ancestors exploited the ancestors of present tribal groups and took their land. We inherited the land and we inherited the crime. Our burden of guilt and the problems we face often make us unreasonable. Happiness and progress will be possible for all of us only as we—equally important as they—foster Indian adaptation over a period long enough to relieve the threat and the shock. Only thus will Indians and their neighbors in 17 reservation states be able to live in mutual respect.

Attitude studies would give us a starting point for better human relations. So would more State-wide activities such as those promoted by the Montana University Institute of Indian Affairs or the Fort Peck Cavalcade. These efforts toward mutual understanding are within the Christian-democratic tradition and are positive means for overcoming the Indian's culture shock so evident at present.

3. Learn from Mexico—By Dorothy Bohn, chairman, Indian Affairs Committee, Cascade County Community Council.

Shortly after Mexican independence, about a century ago, a termination law was enacted in Mexico. It was nobly conceived to break up vast concentrations of wealth and to achieve more equitable distribution of land among peasants. But it also forbade ownership by civil corporations and thus ended the ejidos and tribal-owned land. Families were given parcels of land, but the results to the Indian peasants were disastrous. Having lost their tribal unity, rooted in tribal ownership, they were easy prey for land grabbers. By the end of the century, peasants were landless.

Land reforms were carried out in this century. In his 1940 farewell address, President Cardenas reported that 45,330,119 acres of land had been returned. He established credit systems, irrigation projects, agricultural guidance, schools, the revival of Indian culture and arts. The resurgence of native strength and character was founded on the time-honored principle of the agrarian community.

4. Learn from Canada—By James J. Flaherty, former president, Montana Chamber of Commerce.

(a) The Blood Indians, related to our Blackfeet, have never yielded an acre of land. They sell its products, but all land is tribally owned—the largest wheat farm in North America. In addition the 2,000 Bloods on that reservation own 6,000 head of high-grade whiteface steers. The tribe has a cash reserve of \$4 million held in trust by the Indian commissioner but at the disposal of the tribal council. There are two schools on the reservation, one Anglican, one Catholic. Many have attained outstanding success as professional men in Canada, Australia, and New Zealand.

The men who guide the Bloods are specialists. There is not a whole army of Federal employees at Cardston, the agency headquarters. There is an agent with a small staff. Moreover, relationships are personal throughout. The agent knows each Indian and meets him personally throughout the year.

(b) The bulk of our American Indians are still living back in the era of the buffalo and the elk. They remain a defeated people. They are hemmed in, frustrated, bewildered. Today they are handing on this bewilderment to their children.

We cannot set a few bureaucratic policies and clearly formulate them, because we are dealing with human beings. Time itself will terminate the problem, and we shall not do it by marking a day on the calendar. The Indian wants eventually to rehabilitate himself and not to have it done by law and by schedule. There should be no concerted effort, which implies force. We cannot help the Indian by using force. We cannot program imponderables.

Senator LANGER. You may proceed.

Mr. CHUMBRIS. Go right ahead, Mr. Siva.

Mr. SIVA. And this one here, like Mr. Hill, I respect his testimony here today, but I cannot reconcile to my way of thinking that things are not as they should be so this resolution speaks for itself, as to just how the Indians of California think. Would it be permissible to read just a little part of the resolution of the Indian Congress of California?

Mr. CHUMBRIS. Go ahead.

Mr. SIVA (reading):

Resolution of Indian Congress of California.

This was sent to Senator William Knowland, Senate Office Building, Washington, D. C., and it is dated Sacramento, Calif., June 20, 1954.

The letter reads as follows:

MY DEAR SENATOR: We are submitting a resolution through our newly created organization, known as, Indian Congress of California.

The administrative officers are: President, Mr. Erin Forrest, of Alturas, Calif.; secretary, Mrs. Eileen W. Miguel, Palm Springs, Calif.; first vice president, Mrs. Vyola Olinger, Long Beach, Calif.; treasurer, Max Mazzetti, Valley Center, Calif.; second vice president, Mr. Glen Moore, Hoopa, Calif.; executive council, Frank Trippa, Upper Lake, Calif.; executive council, Cruz Siva, Box 1282, Palm Springs, Calif.

The resolution is self-explanatory. I need not go into further details. Our request is that you file the above-mentioned subject in the Joint Committee on Interior and Insular Affairs Committee on Indian Affairs and insert it in the committee files.

"As Indians of California, we have assembled here today to unite and coordinate our wishes, thoughts, and desires, consistent to our way of thinking pertinent to the pending bills in Congress.

"We have probed and discussed pro and con in an effort to comprehend the meaning of those bills and their effect on our future welfare and destiny. It is our firm belief that the aims and intents of the well-meaning but misinformed Congress is, instead of restoring and emancipating the California Indians, and according them the same privileges and rights as accorded other citizens, it is but euphemism to abrogate our treaty rights, agreements, statutes, customs, and precedents, created for us by our ancestors by prior use thereof.

"Therefore be it resolved, and

"Whereas those treaty rights, agreements, statutes, customs, and precedents, cannot be confiscated without judicial opinions and decisions through due process of law:

"Whereas the termination bill is supposedly to make us first-class citizens; on the contrary it will delegate the Indians to third-class citizens; and subject them to absolute and arbitrary powers of the Secretary of the Interior, under the enticement of 5 years tax-exempt grace:

"Therefore, we oppose the termination bills because they do not restore anything to us that we don't already have and enjoy. Instead it advocates to remove and confiscate our prior and superior privileges and rights, retained and created by our forefathers, after the refusal of the Congress of the United States to ratify the treaties of 1852.

"Whereas we go on record opposing the H. R. 4985, the competency bill. The bill itself is vicious and dubious and will gain nothing for the Indians. Instead it proposes to force us to acknowledge as foreigners if the Secretary of the Interior refuses to issue the certificate of competency to the applicant under the pretense of one thing or another. It will create undue encumbrances and unnecessary and unjustifiable expenses where orphan children are concerned. We are fearful of the discretionary powers of the Secretary of the Interior.

"Whereas if the head of the family applied for the certificate of competency and was approved, he or she could still retain their tribal rights along with that of their children. This can and will cause dissension among other tribal members, thus it will offer an excuse for the Secretary of the Interior to sell the tribal land at his own discretion. And if at the demand of newly declared competent Indian to sell his tribal interest and that of his family

would create something akin to chaos, and eventually force liquidation of tribal lands and assets. If you will scrutinize and examine the merits of H. R. 4985, you will readily conclude it does not benefit the Indians at all but would, and will, cause undue hardships either way you look at it.

"Be it further declared, and

"Whereas H. R. 4985, the competency bill is not necessary and justifiable to the Indians of California. By the decision of Congress in 1924, according the Indians all the privileges exercised and enjoyed by other citizens nullified and voided the incompetent status of American Indians in the United States. You don't ever hear of a white citizen being adjudged by Congress as to his competency. It is all transacted in courts of law.

"Whereas there is another bill in Congress, the so-called inheritance bill We have no bill to study and understand the contents therein. Therefore, we oppose the inheritance bill in its entirety. If we get respite and breathing spell from the Interior and Insular Affairs Committee on Indian Affairs, we might be able to draft our own bill relative to inherited lands of our Indian people.

"Whereas there is a bill pending in Congress, known as the definition of an Indian. We know of nothing of the contents and purposes of the bill. The word 'definition' is something that we should examine and know its meaning. That we know for certain, it will divide the Indian tribes and groups into two distinct classes and cause disintegration of relationships between kinfolks of Indian families and individual Indians. The very nature of this bill makes me wonder if the Interior and Insular Affairs Committee on Indian Affairs is getting into satellite business in treatment of the American Indians in this country."

Now, I read the next part already, do you want me to read that again?

Senator LANGER. No, that won't be necessary. The whole thing will be inserted into the record. Let it be exhibit No. 15.

(The document referred to above, headed "Resolution of Indian Congress of California" was marked "Exhibit No. 15," and is as follows:)

RESOLUTION OF INDIAN CONGRESS OF CALIFORNIA

SACRAMENTO, CALIF., June 20, 1954.

Senator WILLIAM KNOWLAND,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We are submitting a resolution through our newly created organization, known as Indian Congress of California.

The administrative officers are: President, Erin Forrest, Alturas, Calif.; first vice president, Mrs. Vyola Olinger, 2807 San Francisco Avenue, Long Beach, Calif.; second vice president, Glen Moore, Box 191, Hoopa, Calif.; secretary, Mrs. Eileen W. Miguel, 473 North Calle Encelia, Palm Springs, Calif.; treasurer, Max Mazzetti, Valley Center, Calif.; executive counsel, Frank Trippa, Upper Lake, Calif.; executive council, Cruz Siva, Box 1282, Palm Spring, Calif.

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"We have probed and discussed pro and con in an effort to comprehend the meaning of those bills and their effect on our future welfare and destiny. It is our firm belief that the aims and intents of the well-meaning but misinformed Congress is, instead of restoring and emancipating the California Indians and according them the same privileges and rights as accorded other citizens, but euphemism to abrogate our treaty rights, agreements, statutes, customs, and precedents created for us by our ancestors by prior use thereof.

"Therefore be it resolved and,

"Whereas those treaty rights, agreements, statutes, customs, and precedents cannot be confiscated without judicial opinions and decisions through due process of law;

"Whereas the termination bill is supposedly to make us first-class citizens; on the contrary it will delegate the Indians to third-class citizens and subject them to absolute and arbitrary powers of the Secretary of the Interior, under the enforcement of 5 years tax-exempt grace;

"Therefore we oppose the termination bills because they do not restore anything to us we already have and enjoy. Instead it advocates to remove and confiscate our prior and superior privileges and rights retained and created by our forefathers, after the refusal of Congress of the United States to ratify the treaties of 1852;

"Whereas we go on record opposing H. R. 4985, the competency bill. The bill itself is vicious and dubious and will gain nothing for the Indians. Instead it proposes to force us to acknowledge as foreigners if the Secretary of the Interior refuses to issue the certificate of competency to the applicant under the pretense of one thing or another. It will create undue encumbrances and unnecessary and unjustifiable expenses where orphan children are concerned. We are fearful of the discretionary powers of the Secretary of the Interior. Whereas, if the head of the family applied for the certificate of competency and was approved, he or she would still retain their tribal rights along with that of their children. This can and will cause dissension among other tribal members, thus it will offer an excuse for the Secretary of the Interior to sell the tribal land at his own discretion. And if at the demand of newly declared competent Indian, to sell his tribal interest and that of his family would create something akin to chaos, and eventually force liquidation of tribal lands and assets. If you will scrutinize and examine the merits of H. R. 4985, you will readily conclude it does not benefit the Indians at all, but would—and will—cause undue hardships either way you look at it: Be it further declared, and

"Whereas H. R. 4985, the competency bill, is not necessary and justifiable to the Indians of California. By the decision of Congress in 1924, according to the Indians all the privileges exercised and enjoyed by other citizens nullified and voided the incompetent status of American Indians in the United States. You don't ever hear of a white citizen being adjudged by Congress as to his competency; its all transacted in courts of law.

"Whereas there is another bill in Congress, the so-called inheritance bill. We have no bill to study and understand the contents therein. Therefore, we oppose the inheritance bill in its entirety. If we get respite and breathing spell from the Interior and Insular Affairs Committee on Indian Affairs, we might be able to draft our own bill relative to inherited lands of our Indian people;

"Whereas there is a bill pending in Congress known as the definition of an Indian. We know nothing of the contents and purposes of the bill. The word "definition" is something that we should examine and know its meaning. That we know for certain it will divide the Indian tribes and groups into two distinct classes and cause disintegration of relationships between kindfolds of Indian families and individual Indians. The very nature of this bill makes me wonder if the Interior and Insular Affairs Committee on Indian Affairs is getting into satellite business in treatment of the American Indians in this country.

"Whereas the Indian leaders that are assembled here today go on record condemning Public Law 280. When the above-mentioned bill was pending in Congress, many Indian groups and tribes submitted written protests and by telegrams opposing the legislation. Yet, the President of the United States declared it noncontroversial legislation and had no choice but sign it. In signing the bill, the President realized there was no proviso contained in the bill according Indians a right of referendum by electorate vote of the tribes or reservations concerned. Therefore, President Eisenhower made a directive to the Secretary of the Interior, asking for amendments to sections 6 and 7 of the aforementioned bill. This has not been accomplished. We have been informed, regardless of the amendments to the said Public Law 280, we won't be affected in California, because we are nontreaty Indians;

"Therefore we declare Public Law 280 unconstitutional, on the virtue of the fact that it was railroaded through Congress on misrepresentations of the Indian Bureau of California. We have evidence to prove, Henry Harris, Jr., associate area director for California Indians, in Sacramento, Calif., submitted fallacious reports and recommendations in support of the then pending bill which was known as H. R. 1063.

"Therefore be it declared, and

"Whereas we have and are making it known, we are not accepting Public Law No. 280 until the Indian service in California is thoroughly investigated.

The investigation committee should be nonpartisan and composed of California State officials and Indians as witnesses.

"Whereas we request through your intercession to rescind the Senate Joint Resolution No. 4. To us it is a diabolical scheme to sever our relationship with the Federal Government, which is incorporated in the Constitution of the United States. The Federal Government has obviously failed to fulfill obligations to the Indians, by initiating the amendment to the Constitution of the United States, of striking out article I of section 8 of the Constitution of the United States. Therefore, we deem it unnecessary and immature to pull an ostrich act on the Indians of the United States and Alaska.

"Whereas the Indian delegates at this conference have adopted and endorsed by unanimous vote the resolution of Veterans of Foreign Wars. The action of this powerful State organization is consistent with our wishes and desires; therefore we are in accord with the action it has undertaken to assist us, the minority race.

"Be it further resolved, and

"Whereas Indian delegates at this meeting, by unanimous vote, accepted and adopted the proposed bill drafted and formulated by the Institute of Ethnic Affairs, Inc.

"Whereas if the above-mentioned proposed bill is tampered with or amended without our knowledge or consent, it will no longer be our supported bill.

"Whereas we are transmitting copies to other Senators, Representatives, and other organizations that we are affiliated with individually."

Respectfully,

ERIN FOREST,
President, Indian Congress of California.
CRUZ SIVA,
Executive Council.

Mr. SIVA. That is the way we stand on all those bills.

Senator LANGER. That is being made a part of the record.

Mr. SIVA. Which does not solve the existing problem.

Senator LANGER. Tell me, have these Indians ever had a hearing anywhere in connection with this bill about termination?

Mr. SIVA. No.

Senator LANGER. They never were consulted at all at any time?

Mr. SIVA. No. They sent out bills to the tribal heads and gave us only about 5 days' notice to make our decision one way or the other.

Senator LANGER. Were any tribal councils consulted that you know of?

Mr. SIVA. No, in this part of the country the tribal councils were not consulted.

Senator LANGER. Have your tribal councils got lawyers?

Mr. SIVA. No, and we did not understand the bill either.

Senator LANGER. Did you have any lawyers back there at the time this bill was adopted?

Mr. SIVA. No, we never consulted with any lawyers.

Mr. HILL. May I make a comment on that?

Senator LANGER. Surely.

Mr. HILL. I started to say a few minutes ago that there was a bill introduced in 1952, into the Congress, and that bill was distributed to all tribal groups for comments, and we actually received comments. I think we had in the neighborhood of 30 or 40 letters, some of them purporting to submit comments from various organizations claiming various numbers of people.

Nothing happened on that bill but the bill that was introduced a year ago was also circulated to the Indian groups in the State and there were a series of, I think, 10 meetings held throughout the State

in an attempt to explain the provisions of the bill, and comments were requested and the responses from the Indian people were not very many, but, in addition to that, the Congress itself held hearings on the latest so-called termination bill, I have forgotten the number of it, but it was introduced in the Senate and the House of Representatives and more than a year ago, hearings were held on the 4th and 5th of March 1954, in Washington, and there were about 25 Indians present and Mr. Siva himself was back there. Didn't you testify before the Joint Committee on Indian Affairs at that time, to give your views?

Mr. SIVA. Yes. We tried to go back and present our views but the tactics of Congress at the time, the procedure of questioning was just to condemn the Indians.

Senator LANGER. What was that?

Mr. CHUMBRIS. He said that the practice was to condemn the Indians, the procedure of questioning was to condemn the Indians.

Senator LANGER. The Indians wouldn't have that kind of a bill before them?

Mr. SIVA. They did not confine their questioning to the bill. Their questions were just directed at the individual delegates, and they were certainly dragged over the hot coals by Senator Watkins and A. L. Miller from Nebraska.

Senator LANGER. Have those hearings been printed?

Mr. HILL. They have been printed. I don't have the citation, but we had a whole series of hearings on those so-called termination bills.

Senator LANGER. We would like to get a copy of the hearing he describes now.

Mr. HILL. They began on February 15 and lasted through March 10. It included the Klamath, the Flathead, and the Menominee.

Senator LANGER. Did you testify at that hearing?

Mr. SIVA. Yes.

Mr. HILL. The point I wanted to make is that the Indians had an opportunity to make their views known.

Senator LANGER. They had a hearing?

Mr. HILL. That is right.

Mr. SIVA. We had a hearing, and I have spoken to some people around here that the next time the Indians had a bill affecting the Indians and their future welfare, that they should have some sort of a fund set aside for them in order to make their trip to Washington possible, because we had a hard time going back there. The reservation only raised \$174, which was not nearly enough; I had to solicit funds here and there from good friends in order to make that trip possible.

And since then the Indians have lost faith in their future and they just sit around getting ready for execution. They have no incentive now to work; they are just worrying about that.

Senator LANGER. Mr. Hill, what has the Federal Government done since the bill was adopted for the Indians in California?

Mr. HILL. The bill has never been adopted.

Mr. SIVA. May I answer it, Mr. Hill?

Mr. HILL. Which bill, the law and order bill? That was adopted in 1953.

Senator LANGER. That is what I mean.

MR. HILL. The State of California has taken no official action, either for or against, and I think from my conversation with the State officials, that they were never in favor of it.

The counties in general have assumed jurisdiction and are taking care of law and order problems, after a fashion. I would say that they are taking care of it after a fashion in some cases, and in other cases they are doing a very good job.

I started to say that at Imperial County, when the law was passed, that the county itself put on two additional deputies to serve the reservation and it cost them some money, it was quite a financial burden to them. I think one of the members of the county board of supervisors told me that it was costing them an additional \$1,800 per month expense in order to carry out the job.

From Riverside County, where we have quite a number of Indians, we talked to the county sheriff's office and discussed the whole problem with him and asked him how the public law was working out. That was 6 or 8 months after it was adopted. He sent us a letter saying that there were no particular problems on Indian reservations that the county was taking over, and administering justice, the same as they did, answering calls, the same as they did with non-Indians.

On the Hoopa Reservation in northern California, there is a deputy sheriff located in the vicinity of the reservation, and recently I think that he actually was living about 10 miles from the reservation boundary and there was some effort on the part of the tribe to get him to move into the reservation, and he was willing, provided he could find a place to live, and I think that that reservation, which is the second largest in the State by way of population, and, in fact, the largest in point of acreage, is satisfied with the bill.

The county is satisfied to take the job of administering law and order and I think the Indians are getting reasonably good service out of it. For a type there was a State highway patrolman living in some quarters supplied by the Bureau of Indian Affairs, and that was his home base, and he operated up and down the highway which ran through the reservation, and I think that a good job is being done in most cases.

In Lake and Mendocino Counties, and Inyo County, where quite a number of Indians are living, in Owens Valley, the county has taken the job over and done a much better job, in other words, the Indians have much better service since the law was passed than ever before, because we had absolutely no one up there.

We had special commissions issued to the deputy sheriffs, and they would do what they could but they lacked authority to really do a complete job of administering law and order but now when they have the responsibility, I think a good job is being done, and the Indians are being treated like other citizens; I don't doubt but what these gentlemen say is true, there is difficulty in getting law-enforcement officers out to the reservation.

Reservations are a considerable distance from the points where the deputy sheriffs are located and I think it is not only because of the distance, the inconvenience and the additional cost, but because of a general reluctance to assume the burden that you haven't any adjustment of this kind for transferring duty from one to another.

Senator LANGER. The Federal Government has not reimbursed any of the counties?

Mr. HILL. No county in the State.

Miss SINGER. I might add, since Mr. Peterson is here, that in Palm Springs, a law transferring criminal jurisdiction went into effect in 1949 so they have had a longer experience than any place else in the State of handling the matter, and he might be able to tell you whether it has been a particular burden or not. They have been handling it, however.

Mr. SIVA. Yes, they have been handling it.

Senator LANGER. Did you wish to say something?

Mrs. PENN. Yes.

TESTIMONY OF MRS. JANE PENN, RESIDENT OF MORONGO RESERVATION

Mrs. PENN. My name is Jane Penn, and I am from the Morongo Reservation.

I would like to make a comment on Mr. Hill's speech there, on that, and that is that this last month, in the month of March, I went down to Riverside, the county seat, and I tried to find out about law for the reservation. I went to the district attorney's office and I went to the Indian district office and then I went to the sheriff's department.

Nowhere that I had gone that day, that particular afternoon—and I had to get off from work to do it—did we get any satisfaction as to whether we were protected by the county sheriff's department or anything.

They couldn't help us. We have problems as well as any other reservation, Morongo does. We have a cattle problem that has been standing for the last 5 or 6 years, and we asked for help from Mr. Hill and several other people and we have even written to the Commissioner of Indian Affairs, the Secretary of the Interior, and everyone we could think of.

But getting back to this particular trip that day, there was no satisfaction gained, the people in the sheriff's department claimed they didn't know to what extent their jurisdiction would extend to the reservation and, therefore, could not help us in any way. They promised to find out just how much jurisdiction they would have, and to this date, I have not heard from them and Mr. Hill knows that we have asked for help time and again, and we don't get it, even from the Indian office or from the sheriff's department.

Yes, they will come out, but then they will not do anything. I mean, that is to prevent any future trouble with various things. They will take care of something, as I was told in the district attorney's office, after something has happened, then they will step in, but not before, so I think that Mr. Hill should straighten that a little bit more.

Mr. HILL. I would like to comment on one problem in connection with this Public Law 280, if I may.

Senator LANGER. Go right ahead.

Mr. HILL. One provision of this act states:

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian tribe, band, or community, that is held in trust by the United States or is subject to a restriction against aliens imposed by the United States, or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto.

Mr. CHUMBRIS. You are quoting from the law itself, aren't you?

Mr. HILL. Yes, sir.

Senator LANGER. Mr. Hill, you would not have any authority to help—supposing an Indian called you like she mentions, you would have no authority, would you?

Mr. HILL. We have no authority, and we have no offices to do anything about it ourselves. We would have to call on the FBI, or the United States marshal or some Federal authority, and even there I don't think that there would be any authority except, and this is where the problem arises, in connection with the use or alienation of trust property, the county is reluctant to get itself involved, say, in a trespass case or a boundary dispute as between two individuals who have trust land. They just don't know where to draw the line, so far as trust land is concerned. As to what constitutes their authority on trust land is a little bit uncertain, so far as civil matters are concerned, not criminal but civil matters.

Mr. CHUMBRIS. I would like to get back to Mrs. Penn's problem, and I would like to get back to some of the facts surrounding that. I think the Senator would like to know also just what was this problem you had that they wouldn't do anything about in Riverside.

Senator LANGER. Was it civil or criminal?

Mrs. PENN. It would be civil.

Mr. CHUMBRIS. Would you like to explain? You don't have to if you don't care to.

Mrs. PENN. I don't mind explaining it.

For a number of years we have trouble with stock belonging to Indians, various individuals, roaming in the allotted areas. We know, and have known for years that there was a law where it was supposed to have been kept off the allotted areas.

Nothing was ever done. I have asked for information on that time and again and I never got it until I was able to send for this title 25, and in there it did speak that no stock was allowed on allotted areas belonging to any allottee without their consent, and that was something that could have been used for years by the Department and had never been used.

I also wanted to mention this one: you will not get the Indians to agree to anything pertaining to law unless you can get them to understand the law itself.

Mr. Hill had written a letter to the reservation saying that he was to have the sheriff's department, the district attorney, and the area office members to come down and explain the law to the people, and that that law had been passed quite some time ago.

We have not had any of these people there to this day. Naturally the Indians do not understand the law and they will not accept anything. They will not be given a chance to understand, but so far as that particular problem is concerned, we have really worked with it.

There was a letter that was sent to Mr. Hill's office here not too long ago, and no answer has been given to the letter, pertaining to the stock problem. We have had it for years.

Mr. CHUMBRIS. Mr. Chairman, Mr. Keller has returned to our meeting and I would like to have him come up, since he is the district attorney of San Diego County, and he might be able to explain some of the problems that his office has, now that the district attorney in the county has jurisdiction over civil and criminal Indian problems.

Mr. KELLER. Will you please come over on this side, so you will be in line with the Senator, so he can have everything before him? It will also be easier for the reporter if you come up there.

Mr. SIVA. May I question Mr. Hill there as to just how far that law affects Indians, between the Indians and the whites, in regard to trust lands?

Mr. CHUMBRIS. Mr. Siva, let me get to Mr. Keller now on this particular problem. You have raised the question and several people have raised the question of what the county officials are doing, and what the State officials are doing since they have assumed jurisdiction. Maybe Mr. Keller can explain.

It has only been about a year since you have taken over; is that correct?

Mr. KELLER. Yes, that is correct.

TESTIMONY OF JAMES DON KELLER, DISTRICT ATTORNEY, SAN DIEGO COUNTY, SAN DIEGO, CALIF.

Mr. KELLER. I cannot think of any particular instances and perhaps it is because that whenever there is a complaint brought to our office that the law has been violated in an area in which we have jurisdiction, we don't give discrimination one way or the other. In other words, I would have no reason to have in mind any particular violations, whether it is involving the Indians or the Indian reservations or any thing else, and it could be because of that, that we have not issued very many complaints.

Now we did, as you recall, some time ago, we issued a manslaughter complaint arising out of an incident that occurred on one of the reservations.

Mr. CHUMBRIS. That occurred on the reservation?

Mr. KELLER. Yes, it did.

Mr. CHUMBRIS. Do you take concurrent jurisdiction under the 10 major crimes?

Mr. KELLER. So far as my understanding of the law is concerned, we have jurisdiction of any crime, or any violation.

Senator LANGER. Exclusive jurisdiction?

Mr. KELLER. Yes, sir.

Senator LANGER. In other words, the Indian Bureau has no more jurisdiction in matters dealing with law and order; isn't that right?

Mr. KELLER. That would be my interpretation of it. Certainly we have the right to enforce all State laws and the Indian Bureau would not have a right there, so I would think, at least, Senator—

Mr. CHUMBRIS. The reason I asked him that is because in Fort Totten, the State's attorney, where the law would be almost comparable to Public Law 280, in Fort Totten the State's attorney would not handle any of the 10 major crimes. He left it entirely to Federal jurisdiction, and he assumed all crimes other than the 10 major crimes, although there is the thinking that the State has just as much right as the Federal Government on the 10 major crimes under Public Law 280.

Mr. KELLER. Realizing the fact that the Federal Government has removed any police element entirely—now, Mr. Clark was the agent and he is no longer with the Bureau, and we are taking over the entire jurisdiction of law enforcement, so far as I am concerned. Whether

any other Federal agencies feel differently, I don't know but I don't think so.

Mr. CHUMBRIS. Could I put the specific question to you?

Senator LANGER. Put up to him the case of a man beating his wife, where the one went to the Supreme Court of North Dakota on a habeas corpus, and get his opinion on that.

Mr. CHUMBRIS. I think from what he just said, he answered that particular question. In North Dakota, there was an assault case, and the question was whether the State of North Dakota had jurisdiction over that particular crime, since the Federal Government, in 1946, passed a law transferring Federal jurisdiction to the State for one county only, Benson County.

The State assumed jurisdiction for 1946 to 1954 and then this case became a test case, and it went to the Supreme Court. The basis for the test was, could North Dakota assume jurisdiction under that 1946 law, in view of the fact that it had what might be considered an impediment in their enabling act, which required that the State take affirmative action, first by amending its constitution, and then by passing legislation before the State could assume jurisdiction, and that is the particular point.

Senator LANGER. In that case, the defendant pled guilty, and they appealed it to the Supreme Court and the Supreme Court decided 3 to 2 that the Federal Government could not divest itself of jurisdiction.

In other words, if you had been county attorney of Benson County, you would have no right to arrest a man for beating his wife.

Mr. CHUMBRIS. But California does not have such an impediment.

Senator LANGER. We want to get the constitution of California, and get the enabling act.

Mr. KELLER. Of course, it is my understanding that it is the manner in which these lands have been carved out of State territory and what the understandings and reservations were at that time, as to what the State jurisdiction may be.

In some of the military reservations as well as the Indian reservations, there are differences as to what the State has given up or retained in the way of responsibility, and oftentimes it depends upon the particular terms of that particular grant of the reservation lands by the Federal Government.

Mr. CHUMBRIS. Do you know whether the constitution of California is comparable to the constitutions of Arizona and New Mexico and North Dakota, which seem to be similar on this particular problem?

Mr. KELLER. I know it is very comparable to that of Arizona.

Mr. CHUMBRIS. Do you know whether you would have that same impediment that North Dakota has, then?

Mr. KELLER. I think not, because I don't think it is so much that the Federal Government has divested themselves of anything, but it is a matter that they have given the State the right to enforce its own laws.

Mr. CHUMBRIS. That is what they did in North Dakota, but the enabling act of North Dakota stated that the State could not take jurisdiction back because they give it to the Federal Government; under the enabling act they could not take it back until the State had taken some affirmative action to take it back.

Senator LANGER. That is true in Montana, also.

Mr. CHUMBRIS. It is going to the Supreme Court on that same point. Arizona has that provision, and so does New Mexico and that is why Arizona and New Mexico have not taken over jurisdiction, because they have not done anything affirmatively.

Senator LANGER. This whole investigation started this way:

After 1946, when the act was passed transferring the jurisdiction to Benson County, N. Dak., which is similar to what you have here, the Federal Government says that we have no jurisdiction and the State said, "We have no jurisdiction."

The tribal council came in and said, "Well, we are not going to do anything about it either; we haven't any money; we are not going to spend our money."

In addition to that, the tribal council in Benson County proceeded to have a fight among themselves. They had a petition that they got two-thirds of the Indians to sign up, and they said that the old tribal council was out, and the result was that there was no law enforcement at all, and something had to be done. Everybody was threatening to carry a gun. They said that the Federal Government wasn't going to protect them, and the county officers and the sheriff's officers said that they could not arrest anybody, and the State's attorney said that he couldn't issue a warrant and the United States attorney said that he had no jurisdiction and the result was that there was nothing but chaos. That is the time this investigation started under Senator Kefauver, and we went to North Dakota and had these hearings, a copy of which you will find here.

I could conceive, if you had the same kind of an enabling act, that if he arrested a man and put him in jail, he might be sued for unlawful arrest. Your sheriff in your county is in the same situation. It is so important to get that matter settled, once and for all with some kind of legislation.

It should be determined once and for all as to whether it is in the State or the Federal Government and as to what rights the tribal council has.

They are very much involved, as you can see, Mr. Keller.

Mr. KELLER. Yes.

Senator LANGER. That is why I want to see your enabling act.

Mr. CHUMBRIS. On the 10 major crimes, we have pondered that particular question because there is nothing in Public Law 280 which in any way wipes away the 10 major crimes law.

Mr. KELLER. That is right.

Mr. CHUMBRIS. Therefore, the question whether at least the Federal Government has concurrent jurisdiction as to the 10 major crimes arises. That does not stop you from going in, but it would also mean that the Federal Government may say, "It is our responsibility also."

Mr. KELLER. That is right.

Senator LANGER. That is not definite.

Mr. CHUMBRIS. I know it is not. That is way in the open. Nobody has the answer. It has not been decided by the court.

Senator LANGER. Well, the chief of police may arrest a man and be faced with a \$50,000 damage suit. He certainly would want to know what rights he has got. That is the reason that this committee is out here, Mr. Hill; you can readily see what we are up against with the different States having different constitutions.

Mr. SIVA. In the meantime, there is no law and order on the reservation. Father French said that last Saturday.

Senator LANGER. I want to tell you my friend, there was nothing but chaos in Benson County. The fellows would go to the stores and the question was whether they would take the goods and walk out with them, and if they did, who are you going to prosecute for robbery. Here a fellow will beat up his wife and they made a test case of that and he pled guilty. Then they got a writ of habeas corpus and it went to the Supreme Court, and the Supreme Court divided 3 to 2 on it; so you can see how chaotic this entire thing is.

Now, North Dakota has adopted a lot of the California laws as you likely know. I am very curious to see your constitution and to see your enabling act.

Mr. KELLER. Well, it is my viewpoint that the Federal Government has, by this Public Law 280 merely given back the right of the State to enforce the State law on the reservation.

Senator LANGER. Has it divested itself of jurisdiction?

Mr. KELLER. No; I don't believe it has. You have concurrent jurisdiction.

Senator LANGER. Then you are in trouble.

Mr. KELLER. Well, I wouldn't look at it necessarily as being in trouble. Perhaps we could be, but there are many laws such as the laws on bank robbery for instance.

Now, we have jurisdiction under our general code section of robbery but at the same time the Federal Government has jurisdiction under the bank robbery statute, so I would say that it would certainly be my opinion of it that what happened was we gave the Federal Government the right to this land as an Indian reservation, and we conceded to them full responsibility for law enforcement, and for jurisdiction in civil matters in the civil courts.

Now, they have given us back the right to enforce the State laws on those reservations.

Senator LANGER. And the Supreme Court held that they couldn't give it back unless the Indians and the State accepted it and, therefore, we have got a constitutional amendment now pending in our State by which the people are going to vote.

Mr. CUMBRIS. The Supreme Court, as Senator Langer says, held that the act of giving it, in the Enabling Act and Constitution, giving it to the Federal Government, was such an act, in other words, for them to take it back, they have to do something affirmative in order to take it back. They could not take it back just by the Federal Government's legislative act.

Now, if somebody should make a test case of it in California on that same point, and if your enabling act is like the enabling act of North Dakota, and your constitution is like the constitution of North Dakota, and if your supreme court interprets it the same way the Supreme Court in North Dakota interprets it, then you don't have any jurisdiction, because in North Dakota, from 1946 to 1954, the county attorney and the county sheriff exercised jurisdiction until they learned 8 years later that they were wrong and they had to give it back, and the Federal Government by act of the Secretary of the Interior, on March 14, ordered back the law enforcement of officials and ordered back the court of Indian offenses. So the

Federal Government, after 8 years of giving it back to the States, reassumed it.

Senator LANGER. I might say that we have Mr. Glen Emmons who tried to get opinions from the Attorney General of the United States. He has done everything in the world to cooperate. We had the fullest and most complete cooperation from Glen Emmons. I don't think that a man could try harder than he tried. He sent a lawyer out there—what was the name of the man he sent out?

Mr. CHUMERIS. William Kessler and then Holmes.

Senator LANGER. You likely know him. We went out there and met him, day after day after day, we met with the Indian Affairs Committee and the North Dakota Legislature, and tried to straighten this thing out, and the governor of the State set aside certain days where he would meet, and here the supreme court comes out and splits 3 to 2, and they didn't come out in time, until just the last 3 or 4 days the legislature was meeting, when it was too late to do anything about it, except that we made an agreement with Mr. Emmons that if they would submit a constitutional amendment during that time that they would reimburse the State of North Dakota for any expenses they might have in connection with law and order.

The relationship, I want to repeat, is very friendly with Mr. Emmons. We are trying hard to work it out.

But in the meantime we had all the Indian chiefs in, and some of those Indian chiefs said, "Well, the Federal Government has no jurisdiction; the county has no jurisdiction; so our tribal court will run the show."

Then we didn't know who the tribal court was, because they had had a recall on the tribal court, and we had two tribal courts.

Mr. CHUMERIS. And another point, Mr. Keller, that was brought out here earlier, and I would like to get your answer for Mr. Siva on, they say they have difficulty on arrests in an outlying area of a county; for instance, if they should call into San Diego and say that there was a certain complaint, they would have to go all the way into San Diego in order to file a complaint and come back. They thought that that was a little impractical, so far as they were concerned.

Would you like to answer that question?

Mr. KELLER. On which reservation is that?

Mr. SIVA. The Los Coyotes.

Mr. KELLER. Well, the Los Coyotes—

Mr. SIVA. Warner Springs.

Mr. KELLER. The closest jurisdiction would be Ramona.

Mr. TAYLOR. Yes, Johnny Stevens.

Mr. KELLER. But there is a justice of the peace up there now, and you could file a complaint there. You wouldn't have to go into San Diego to do it.

Mr. SIVA. But the main difficulty there is that sometimes there are Indians from other reservations who are raising the dickens there, and by the time we get a warrant and come back, it is 2 or 4 o'clock in the morning, those particular Indians are someplace else on some other reservation.

Mr. KELLER. I understood that you were talking about the issuance of a complaint as one thing where you can sign a criminal complaint against someone where time is not so urgent. Sometimes you do that

the next day or the next week. But where you are talking about quelling a disturbance, Johnny Stevens should be the man you should call.

Mr. SIVA. The question here says sometimes they actually refuse to come out.

Mr. TAYLOR. They won't come down unless you swear out a warrant first.

Mr. KELLER. That should not be if you have a disturbance going on. The only thing I suggest is that if you talk to the sheriff about that, and if you have not you should, and tell him what your troubles are, and then if you cannot get an answer that way, I would talk to the board of supervisors.

Mr. SIVA. If you recall at a reservation they had trouble with a white cattleman there, and the county sheriff told them flatly that he had nothing to do with it.

Mr. KELLER. That was before the bill was passed?

Mr. SIVA. No; the last summer, we brought it up before the State's attorney, the attorney general, May 30.

Mr. CHUMBRIS. On page 276 of this same report, House Report 2680, it is reported here:

There is need for developing closer cooperation between the tribal organization and the cattlemen's association.

So evidently this has been going on for some time.

Mr. KELLER. Yes; for a long time.

Senator LANGER. In the last 2 days, in Arizona and New Mexico, we ran up against a murder case, and when they got through with it they found they had not surveyed the land and the State had no jurisdiction at all; it was actually under the jurisdiction of the Federal Government.

Mr. CHUMBRIS. First the State and then the Federal Government, and then the State decided it had jurisdiction; and it wasn't actually or finally determined until they had a survey made of the exact boundary lines to define which court had jurisdiction in that particular case, and it ended up that the Federal Government had.

Mr. KELLER. Well, this may be of some help, and that is until the Supreme Court tells me that we don't have jurisdiction in these cases, we will enforce the law, file complaints, and prosecute the cases. If someone wants to take that up, and it is decided we cannot, all right, but until such time we will maintain jurisdiction.

Mr. SIVA. You are one county attorney and you will find a different one with a different idea.

Senator LANGER. We had Melvin Christensen, the county attorney, and the sheriff of Benson County say that if they had no jurisdiction, they wouldn't do a thing. Other county attorneys went ahead and prosecuted. They took the same attitude that you do. So by the adjoining counties taking different views, that would just help the confusion.

Mr. CHUMBRIS. I think Mr. Keller answered one point here today which should be satisfactory to Mr. Taylor and Mr. Siva, in this respect: It is in effect of law and order, and the law enforcement official does not do his duty when they register a complaint, then he takes it up with the board of supervisors, who, I understand, is the superior officer, so if you call him and they say, "I am not going to do it," then you have to go to San Diego, this, that, or the other thing.

and say, "Listen, if you don't take affirmative action, I will have to take it up with the board of supervisors."

Mr. KELLER. I would suggest that if you have any trouble, you appear before the board of supervisors and tell them that there is a doubt in your mind as to who has jurisdiction in criminal matters, because of this hearing, and because of what the Senator told you, and you should ask them, does the county, the State of California, or does the Federal Government, have authority.

The board of supervisors will not be able to tell you but they will ask our office for an opinion and I will write the opinion, and when I am finished I will send it to Mr. Brown. I think that will clarify it in California.

Senator LANGER. That is exactly right, and that is what our attorney did in Benson County, our attorney general gave an opinion, and said, "You have absolutely no jurisdiction."

Mr. KELLER. Well, it will be decided one way or the other.

Senator LANGER. And the result was that we had no law and order at all.

Mr. CHUMBRIS. To follow that up, after the attorney general gave his opinion on September 30, 1954, then everybody stopped acting and the State would not act, the Federal Government said it could not act, so you had no law and order until the case was finally decided by the Supreme Court around the 15th of February, and they said that the State had no jurisdiction, and the Federal Government would not change its viewpoint until March 11, when we invited Orme Lewis, and Commissioner Emmons, and right there at that particular subcommittee meeting, Orme Lewis came along with the theory that we would reassure jurisdiction, and he did it as of that date, at a subcommittee hearing like we are having here today.

Mr. KELLER. That is what would result here by amending our constitution, whatever else it needed, and then the Federal Government must reassume the obligation.

Senator LANGER. In North Dakota he has taken full jurisdiction, and he made some kind of deal, as I understand it, whereby the sheriff is sworn in as a deputy, isn't he, of the Federal Government?

Mr. CHUMBRIS. What he did—you mean what has transpired since he has reassumed jurisdiction?

Senator LANGER. The Federal Government.

Mr. CHUMBRIS. They sent a law official to Fort Totten, and they also sent the judge of the court of Indian offenses at Turtle Mountain down to Fort Totten until they appoint a new judge.

Senator LANGER. But they have sworn in the deputy sheriff, since then?

Mr. CHUMBRIS. Yes, the deputy sheriffs of the county are sworn in so they may aid on Indian reservations, so they can act in both jurisdictions so they will be on the scene, whether it is State or Federal jurisdiction, they act in both capacities.

Mr. SIVA. I want to raise a question here again. We never have been—or, rather, we have never had fully explained to us this Public Law 280. While you gentlemen are here, I would like to get the full facts on Public Law 280, how it affects the Indians personally and regarding their land.

MR. CHUMBRIS. Well, since we usually let the witness testify, we will let Miss SINGER, since she is from the solicitor's office, she can answer that, or Mr. Keller can answer it also.

MISS SINGER. Well, I think Mr. Keller has explained it.

MR. SIVA. Would you read the law and then explain it?

MISS SINGER. Yes.

Well, as I started to say, Mr. Keller indicated that so far as he is concerned, the State has jurisdiction over crimes committed by or against Indians on Indian reservations.

MR. SIVA. Yes, we know that. I mean, read the law, and I would like to have it explained.

MISS SINGER. The act concerns two kinds of situations, one with respect to criminal offenses and one with respect to civil causes of action.

The first substantive portion of the law adds a provision to title 18 of the United States Code, the section to be entitled "State Jurisdiction Over Offenses Committed by or Against Indians in the Indian Country."

It is divided into a, b, and——

MR. SIVA. Read Public Law 280.

MISS SINGER. That is what I am doing, Mr. SIVA. Subsection A of the new section reads as follows:

Each of the States listed in the following table shall have jurisdiction over offenses committed by, or against, Indians in the areas of Indian country listed * * * to the extent such State has jurisdiction over offenses committed elsewhere where, within the State and the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State.

Then are listed the five States enumerated by Mr. Hill previously.

And in California, which we are interested in here, it lists the State of California and the Indian country affected in the State is all of the Indian country; in other words, any land which had previously been considered Indian country under the Penal Code of the United States is now within the jurisdiction of the State of California, so far as criminal laws are concerned.

You asked before, Mr. SIVA, about whether that concerned crimes committed by or against Indians, and I believe that the law is very clear, that it does include such crimes, either by or against Indians.

There is then following that subsection (b) which is an exception to this general transfer of jurisdiction, and it reads:

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribes, bands, or communities, that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States or shall authorize regulations of the United States of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto, or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing, or control licensing or regulation thereof.

Now that section, as I indicated, exempts from the transfer of jurisdiction certain specific enumerated categories of situations.

I think that there is very little difficulty, generally speaking, with the language of the first portion of that exception, since it says simply that where the land which is held in a trust status is involved in such

a way that the laws of the State would authorize the alienation, encumbrance, or taxation of that trust property, the laws will not apply.

Now perhaps in some specific instances it might be difficult to draw the exact line, but in general I think that the intention of Congress is clear, even if a State law would not authorize the alienation, but simply the regulation of the use of the property in a manner inconsistent with any Federal laws or regulations, then the State law would not apply.

Mr. Siva. I understand that now, and we have a problem here in Palm Springs, since the city was incorporated, that they have exerted, and they took into the incorporated area Indian land. That was one question Senator Watkins asked County Attorney Bunker last March 5 in 1954 at Washington, if the city had ever received Indian consent or congressional consent to incorporating the Indian land in Palm Springs.

He said that they went on the assumption under that law that was passed in 1949, I think it was No. 5310, giving jurisdiction of law and order on the Palm Springs Reservation, and they just left off there, but when she read there that last part about encumbrances, that is what we thought the city created the last time, when we Indians objected to the city's action of annexing sections of land up here around Palm Springs, this resolution which the Indians signed, and I am certainly glad you were here to hear this, although we sent it to Washington, and we received no reply from the resolution.

It is the consensus of the majority of Indians of Palm Springs Indian Reservation and tribal members:

Whereas before they consider proposal of City Council of the City of Palm Springs, Calif., to annex the three sections of tribal land, the Indians deem it necessary and mandatory that the question of jurisdiction of the city of Palm Springs over the Indian lands be adjudicated; be it further

Resolved, Whereas the tribal members of Palm Springs Indian Reservation, to the best of their knowledge, were not consulted prior to the incorporation of the city of Palm Springs, and subsequently the Indians never consented that the Indian lands be included as part of the incorporated area of the city of Palm Springs, Calif.

Therefore, we, the undersigned, reject the proposal of the city of Palm Springs to annex three sections of tribal lands situated in the vicinity of Chino Canyon.

I would like to include this as a part of the hearing, and I would like to get some definite answers from Mr. Hill or Miss Singer.

Senator LANGER. That may be made a part of the record.

(The resolution containing handwritten signatures was marked "Exhibit No. 16," and is as follows:)

RESOLUTION OF AGUA CALIENTE BAND OF MISSION INDIANS

It is the consensus of the majority of the Indians of Palma Springs Indian Reservation tribal members:

Whereas before they consider proposal of City Council of the City of Palm Springs, Calif., to annex the three sections of tribal land, the Indians deem it necessary and mandatory that the question of jurisdiction of the city of Palm Springs over the Indian lands be adjudicated; be it further

Resolved, Whereas the tribal members of Palm Springs Indian Reservation, to the best of their knowledge, were not consulted prior to the incorporation of the city of Palm Springs and subsequently the Indians never consented that the Indian lands be included as part of the incorporated area of the City of Palm Springs, Calif.

Therefore, we, the undersigned, reject the proposal of the city of Palm Springs, to annex three sections of tribal lands situated in the vicinity of Chino Canyon.

Richard Miguel, Eileen W. Miguel, John Joseph Andreas, Margaret Andreas, LaVerne Taubel, Elizabeth Pete Mark, Flora Pateucio, Cruz Siva, legal guardian of Pete Siva; Joe Patenci, Dorothy Legund Kice, Clara Segu Bow, Priscilla Gonzale, Lorenza McGlanway, Genevieve P. St. Marie, Annie Pierce, Carrie McCoy, Frank Goris, legal guardian for John and Gene Snyder; Ople Welmos, legal guardian for Leon Welmos.

Senator LANGER. Did you want to be heard, Mr. Peterson?

Mr. PETERSON. Yes.

TESTIMONY OF ROBERT W. PETERSON, CITY MANAGER, PALM SPRINGS, CALIF.

Mr. PETERSON. My name is Robert W. Peterson, and I am city manager of Palm Springs.

In response to this petition that was just submitted by Mr. Siva, I would like to state that on the annexation of this area that we took in just recently on an uninhabited basis, it was done in accordance with our State laws. All owners were notified of the proposed annexation, and the Indian owners, as well as other owners of private lands, had the same opportunity to protest, if they did not approve of the annexation proceedings.

Also, the city attorney and I appeared at a regular meeting of the Indian tribal council here in Palm Springs, and discussed it with them very thoroughly, so that they knew absolutely that they had the power to protest, if they decided that it was not in the interest of the Indians.

By not protesting, by taking no action, they therefore affirmed it.

Mr. CHUMBRIS. Of course, the question comes up—

Senator LANGER. Mr. Chumbris, might I suggest that the enabling act of California is like the one in North Dakota and Montana, or rather, if it is like those two, then the entire proceedings are illegal.

Mr. PETERSON. That is right.

Mr. CHUMBRIS. If fact, the fact that they did not object, if it was not the legal responsibility in the first place, they still would be free from your jurisdiction. I mean, if the courts here go so far as the courts did in North Dakota, and they don't come under Public Law 280, then their silence does not affect them one iota. That would be my offhand opinion; they still would be subjected to Federal jurisdiction, and their land would still be an island without your jurisdiction. It would be free from any jurisdictional control of either the city or State.

Mr. PETERSON. Our continuing operation in all matters here within the incorporated limits of Palm Springs have been under either our own city ordinances or under State statutes, and if it is a question of a Federal ruling on this, why, then, that is something that we certainly better have.

I would like to go on, if I may.

And, in the first place, I would like to say quite frankly, we did not realize that the termination bill, and things of that nature, were going to be discussed today. But we have been exercising explicit

jurisdiction on the public land, both allotted and tribal, in exactly the same fashion as on private land for some years, and that not only includes police protection, it also includes fire protection, and health and sanitation control, which was under that same bill of ours.

In view of the fact that we have about 40 percent of the land within the city in Indian ownership, which land, of course, is not taxable, excepting the improvements upon it, which are non-Indian ownership, we received about 4 or 5 percent of our total taxes from this 40 percent of Indian land.

Consequently, the services that are given to the Indians, as well as to the private landowners, makes it somewhat of an inequity, shall we say, in the tax distribution, in accordance with the benefits.

MR. SIVA. I certainly will say there was equalization there, all right, because the inception of the incorporation of the city of Palm Springs, that was in 1937, I believe it was—

MR. PETERSON. 1938, I believe.

MR. SIVA. Or in 1938, those licenses have been charged to the people on Indian land, and business permits, and sign permits, and little areas for trailer parks, and the funds that come from the gasoline taxes, there never has been a single penny come back to the Indian reservation to improve the Indian land.

So I think he made a good statement there; it is just sort of an equalization there.

But we have to draw a line somewhere. How much jurisdiction does the city have on Indian lands to invoke zoning without consulting the Indians?

MR. CHUMBRIS. I don't think Mr. Peterson had finished his statement, but we have a system here of anybody interjecting a question right at the time he hears you say something. So go right ahead.

MR. PETERSON. I think Mr. Siva's remarks were hardly in the nature of a question.

SENATOR LANGER. Of course, our subcommittee gets letters from all over. We got one from Palm Springs about 3 years ago, that a fellow had a parking lot here in Palm Springs, and it had been in the Indian family for 30 or 40 years, and it got quite profitable, and they issued some kind of an order turning it over to a white man.

Do you know anything about that deal? And they divested the Indian of a very substantial profit, and the Indian got very little out of it, and the white man got a lot out of it.

Sooner or later we will get around to find out more about that. But there was an order issued by Mr. Ickes, and he had a right to issue it, and we so advised the Indians, unjust as it seemed to us, but Mr. Ickes did it, and that was that.

Now, this Torres-Martinez Tribe, they seemed to be in a bad situation when I was there 3 or 4 years ago. Are conditions any better down there now, do you think?

MR. HILL. I don't think their conditions have improved materially. There are many of those Indians in bad economic circumstances, I agree with you.

SENATOR LANGER. Women were carrying water 3 or 4 blocks. Mrs. Langer and I went down there and spent a lot of time, we spent a week with the Navahos, and my daughter. I wasn't on the committee at all, I just did it on my own.

But the whole thing I can't understand is where the Government will give away \$42 billion, like we have since World War II, and \$12 million to Russia, and now Mr. Eisenhower has recommended \$3,500 million more going to every country on the face of the globe; what I can't understand is why we cannot take a few hundred million of that money and settle this Indian matter in our own United States of America.

We build dams in Egypt, roads in South America, and I was over in Vienna and drove from Salzburg to Linz, and that entire road was built with money furnished by the taxpayers of the United States of America.

Yesterday over there we found Indians begging for just a road up to the timber, so that they could get out their timber. It seems strange that our Government would take \$3,500 million, which is more than the assessed valuation of every acre of land, every horse, every cow, every sheep, and everything we have got in the State of North Dakota, and just give it away.

But that isn't the worst of it. They give it away, and all our Government gets is a piece of paper as a receipt that they received it.

Italy, for example, has received millions of dollars, and right in the Cabinet of Italy they have got three Communists, or did have at that time.

I think you are acquainted with the fact in the last election, the city of Rome was 43 percent Communist, yet they turned that money over to them. We don't know who gets it.

I am on the Foreign Relations Committee, and so far as I am concerned, I am certainly going to put up a batte before we let that \$3,500 million go over again, and insist that we give this Indian Department, poor Glen Emmons simply hasn't enough to run the Indian Department the way it should be run.

The law enforcements are underpaid. How in the name of heaven can a man support a family on \$2,800 in these days, or \$2,900, and that is what some of those law-enforcement men are getting, according to the testimony.

Now, as to the number of the law-enforcement officers, the attorney general of New Mexico testified that they should be doubled, and that their salaries should be doubled.

It was the testimony, I believe of Mr. Robinson yesterday, over at Phoenix, Ariz.

MR. CHUMBRIS. That is right.

Senator LANGER. We are going to see if we cannot get Glen Emmons enough money so that the whole thing can be solved, and instead of our Indians being destitute and hungry, that we see if something cannot be done whereby they will be taken care of.

MR. CHUMBRIS. Senator, I just wanted to point out that one day down at the office we just added up all the money the United States Government has spent since George Washington, on behalf of the Indians in this country, including salaries for the entire Indian Bureau, buildings, and everything else, and the entire amount is just a little over \$1 billion since George Washington, and here they are giving \$3½ billion 1 year alone for European relief.

Senator LANGER. Last year \$9 billion was unspent, and yet we gave the foreign countries \$3,100 million more.

Of course, I voted against it all personally, but the Congress passed it. Certainly, we have had wonderful cooperation all over from the area men, and I don't know of any Indian Commissioner that we have ever had since I have been in the Senate, and I have been there for 15 years, we have never had cooperation from anyone that we get from Glen Emmons. In my opinion, he is doing a might fine job with what he has got to do it with. What did he ask for?

Mr. CHUMBRIS. For law and order, they asked for \$1,400,000, and they were given \$430,000.

Senator LANGER. There is a sample of it.

You take education; the Indian Bureau took that into effect in 1824, and when you read that law, it says it is for the education of the Indians, and they were going to do a lot for the Indians, when you read that law, and yet, the first school they established was built in 1892.

Mr. CHUMBRIS. That was on the Apache Reservation.

Senator LANGER. It seems to me that the treatment afforded to the Indian has been very unjust by the Congress and the only person to blame is the Congress of the United States.

Now, tell them about the hospital that we heard about yesterday over in Phoenix.

Mr. CHUMBRIS. The hospital in the Papago Indian Reservation in southern Arizona was burnt down, I think in 1947, and rather than rebuild the hospital, they thought that they could give the Indians the same service if they sent them to Tucson, or to San Xavier, right southwest of Tucson, but the way it turned out, it was so far for the Papagos to go that they just refused to take any hospitalization whatsoever, and they tried to work off whatever illnesses they had, and as the net result they have—

Senator LANGER. And this is Dr. Salsbury's testimony, who is head of the Board of Health of Arizona.

Mr. CHUMBRIS (continuing). And as the result thereof, they have the worst record of physical fitness, and the greatest amount of diseases that is known anywhere in the country.

They took a survey of the children, and found out that of 270 children, 25 percent died before the child would be 1 year old, 40 percent died before the child would reach 6, and 52 percent of that 270 would have died before the child reached 18, in comparison to the non-Indian population that has a 69.5 life expectancy, and it just went to point out the type of diseases that they have, and they just don't have the medical facilities, because of their way of life and inability to earn a livable wage, or income for the family is such that they have to live in the most primitive style. Their housing is just deplorable and unbelievable, and many of you who have visited Indian reservations would have to see the very worst to compare it with what they have down in the Papago Indian Reservation.

Mr. KELLER. I would like to say, Senator, last summer I went to Commissioner Emmons' office with our Congressman Wilson, and the Commissioner was not there, but I did talk to Mr. Cunningham in that office.

I went there, because over a long period of time we finally succeeded in arriving at a negotiation whereby the FHA transferred over to the Indian Bureau these Federal housing units which are no longer nec-

essary for the original purpose in San Diego County, but the trouble was these units were at various locations in the country, and they had no way of moving them from there to the reservation.

For instance, on the Pala Reservation, every house—well, perhaps not every house, but practically all of them—should be torn down under our health standards in San Diego County, and if we abate them and enjoin the use of them as a nuisance, which we would, those people would be out of housing.

They do have houses, but they are miles removed from this reservation, and the Commissioner's office tells us that they have no money to allocate the moving of these houses.

Now, in San Diego County there has been a great friction between 2 different viewpoints, and maybe 2 different groups, and 1 of them wants what they keep calling the freedom of the Indian, and the other group, and perhaps it is the situation that I had something to do with, I suggested that many points should be clarified by the State of California and the Government on an agreement before the Indians were kicked out by the Indian Bureau, and they should be assured of their rights on their property, that a survey must be made and a proper allocation assured of water rights and roads, and sewerage and sanitation. They have nothing.

What we are doing, if the Federal Government just relinquishes all of this land, we are substituting on wardship for another, that is what it amounts to right now.

Most of the Indians, as you said, are going on county or State welfare as distinguished from Federal funds, because they are putting them out without means of support, with possibly a plot of ground with a lot of rocks on it. I certainly feel that this is an opportune time, before further action is taken, to clarify this matter.

I opposed Public Law 280, because I felt it was the first step to get rid of the responsibility toward the Indians by imposing it on the State; it was a wedge to open the door, and the next thing that they would do would be to hand it to the State of California without making any provision for self-assistance.

A lot of them don't want to leave the land, they don't want to leave the land they and their ancestors lived on. They should be given a chance to be self-sustaining.

Senator LANGER. We have to adjourn this meeting because our plane goes in 10 minutes.

Mr. CHUMBRIS. Off the record.

(Discussion off the record.)

Senator LANGER. I have been convinced that the thing to do is to come back here to the State of California, for this subcommittee to come back here, and call in the different Indian Tribal Councils, and have them in and take enough time so that we can go into this problem the way it should be gone into.

I am going to take the liberty of asking Mr. Keller, through the Attorney General's Office, to come to Washington, so that you can sit down with us and help us. That is the attitude of Senator Ke-fauver.

Mr. PETERSON. I never did get to finish my statement.

Senator LANGER. Go ahead and finish it.

MR. PETERSON. Just for the purposes of the record, I would like to say this, and I am expressing the opinion, I believe, of the City Council of the city of Palm Springs, and that is, first, that we feel that our interests and the Indians' interests here in Palm Springs are certainly right together, and we have no wish to do anything that will harm the Indians in any fashion, because they are part of Palm Springs.

But we do believe that this termination bill would be a good thing, so far as Palm Springs is concerned. There is some question as to hearings. Our city attorney and one of our councilmen attended the hearing in Washington relative to this, and at that time expressed the feeling and belief that perhaps Palm Springs was unique, but for our section here there should be termination of Federal supervision, based on a very orderly procedure of trusteeship that would apply to both allotted and tribal lands.

Senator LANGER. Well, I don't think California has to worry very much, because you have got Senator Knowland, and the Chief Justice of the Supreme Court, Mr. Warren, and then you have got the Vice President of the United States, Mr. Nixon, and you have got the other Senators on the job down there looking after your interests, and if any State in the Union is well looked after, the State of California certainly is that one.

MR. HILL. Senator, I just wanted to remark that the State has become interested in this problem of termination, and the State senate has appointed an interim committee which made some investigations and held hearings throughout the State, and they are coming out soon with a report.

I have here a copy of the testimony taken at those State hearings at Palm Springs, Bishop, and Sacramento, and if you are interested, I would like to give it to you. It presents a lot of opinions of the kind that Mr. Siva and Mr. Taylor have given, a lot of testimony from the Indians, and it explains a lot of matters.

Senator LANGER. Before adjourning, I want to thank the mayor, the city manager, and the chief of police for their many, many courtesies that were shown to this subcommittee. I have never come to a town where we have had such very fine, splendid treatment as we have gotten from the people of Palm Springs.

I want to thank you personally, Mr. Peterson, and I want you to know that I appreciate it very, very much.

MR. PETERSON. We invite you soon and often.

MR. SIVA. I want to put in the record here a letter that I received from San Francisco, and it is from 1830 Sutter Street, San Francisco, Calif., and it is addressed to a group of our people here, and it reads:

DEAR FRIENDS: I received a mimeographed letter addressed to the Senate Committee on Appropriations, Washington, D. C., and written by Purl Willis, and the letter was the usual attack on the Bureau of Indian Affairs in California, and it was specifically regarding the Indian Bureau budget. It was written on April 5, 1955, and was mailed from Washington, D. C.

The thing that disturbs me on receiving this airmail letter (besides having to pay a postage due of 6 cents) was that on the upper lefthand corner of the envelope appeared a return address, "Purl Willis, care of Congressman Bob Wilson, Washington, D. C." or (then on a little printed tab pasted to the envelope) "Purl Willis, 130 Lathrop Lane, El Cajon, Calif."

I think the use of Congressman Wilson's address is to be brought to your attention. I don't know if Congressman Wilson knows about this, but the im-

plication certainly is that Wilson and Willis are very close. Since Wilson is new in the House, and since Max Mazzetti has written to me that he is a good man, I thought that you would want this called to your attention so that you could, in turn, approach him. I am keeping this envelope in case none of you have a similar one, and if you want to use it as evidence, I would be happy to send it to you.

A notation written on the side of the mimeographed letter says, "Will return home in California about April 25 via bus after hearings on April 19." This is the first time I have gotten a letter from Willis, so it may be that he uses the return address of Congressmen as a regular practice. However, it seems to me that if this is so, it ought to be stopped.

Best wishes,

FRANK QUINN.

Senator LANGER. I would like the following remarks from a hearing held before the Subcommittee of the Committee on Appropriations, March 14, 1955, on Department of the Interior appropriations for the year 1956 to be included in the record at this point.

(Portions of the hearing held Monday, March 14, 1955, before a subcommittee of the Committee on Appropriations read as follows:)

STATEMENT OF HON. WILLIAM LANGER, A UNITED STATES SENATOR FROM THE STATE OF NORTH DAKOTA

JURISDICTION AND LAW ENFORCEMENT

Chairman HAYDEN. Senator Langer, we will hear you, and then let you introduce any other witnesses who are here to testify.

Senator LANGER. I wish to say the act of 1946 applies to only one Indian reservation in the State of North Dakota. The jurisdiction of the Federal Government does not apply to the other three in the State of North Dakota.

Since that decision came out the Legislature of North Dakota has submitted a constitutional amendment to be voted upon. In the meantime, however, they have been obligated for public welfare and for the school situation and they want to be reimbursed in the matter of law enforcement.

We had a hearing the other day before the Juvenile Delinquency Committee asking that that be made part of the record so that you may have it, Senator Hayden.

Mr. Emmons was present the other day, and he knows the problem up there in connection with law enforcement as well as the school situation and the public welfare. It is going to take an awful lot of money, I believe several million dollars, to take care of all three zones up there in North Dakota. The situation there is desperate.

Do you have that telegram here?

Mr. ONSRUD. Yes, sir; I have.

Senator LANGER. Mr. Onsrud is our first witness and is executive director of the Welfare Board at North Dakota. He can describe that situation to you perfectly.

Chairman HAYDEN. Senator Young, is there any preliminary statement you wish to make?

Senator YOUNG. I do not think so.

Senator LANGER. I think you would join me in the statement I made.

Senator YOUNG. Yes. I would be happy to do so.

Senator LANGER. The statement will be a joint statement for both of us.

Senator YOUNG. Fine. Thank you.

NORTH DAKOTA STATE WELFARE BOARD

STATEMENT OF CARLYLE D. ONSRUD, EXECUTIVE DIRECTOR

DIFFICULTIES IN PROGRAM ADMINISTRATION

Mr. ONSRUD. I will try to make this as brief as possible, because I realize you are all busy. However, in my position as executive director of the State Welfare Board of North Dakota, in order for you to have a clear idea of what viewpoint I am talking from, we administer the public assistance programs of the Social Security Act; aid of the crippled children, Child Welfare Service, and so forth. That is administered not only to the whites, but to the Indian people in our State.

Our State welfare board, through the State appropriations, takes care of the State and county share of all assistance given of that type to the Indians on the Indian reservations and throughout the State. The Federal money, of course, comes from the Social Security Administration.

The program that we do not administer or operate is the general assistance program. The way we do that briefly is we have county welfare boards which are situated in the Indian reservation counties, and they administer the State and Federal county social-security assistance programs and the Child Welfare Service program. The general assistance program is administered by the Bureau of Indian Affairs through the area office at Aberdeen.

We also supply to the reservation counties through State 100-percent reimbursement public assistance and child-welfare workers who work on these reservations. The Bureau of Indian Affairs pays 100 percent for the workers that administer general assistance.

With that background we have encountered and we seem to encounter difficulty in the administration of our programs, some of it stemming from the confused status that there has been on law and order in connection with Fort Totten or in connection with the other three reservations where the Federal Government has assumed jurisdiction.

CONFUSED INTERPRETATION OF JURISDICTION

It is our understanding that the law and order situation, which isn't good, is partly, or maybe primarily, due to the fact that the Bureau of Indian Affairs or these tribal courts don't have enough money to make them effective. You can have statistics to show illegitimacies and you can have statistics to show born out of wedlock cases and desertions; but that isn't the whole story. The biggest part of the story is the psychological effect of either having up until recently a confused interpretation of who had jurisdiction on one of our reservations, and apparently ineffective law enforcement on the other three. You have a tone of absolute weird nonresponsibility that can't help but affect the adults on that reservation. It also affects the attitude of the people in the community, the communities

close to those reservations. Sort of a frustration and sort of a hopelessness ensues.

That does a lot to a public welfare board that is trying to administer public-welfare programs. We maintain that a condition precedent for adequate public-welfare services, or adequate public-health service, or anything else is some form of organized society, and we maintain that if you have law enforcement pro forma and not actually good law enforcement, you have no law enforcement.

Just the other day, since I came down here, I received the following wire from Bismarck, from one of our staff members there. The Sioux County Welfare Board which operates our programs finally let their frustration hit the ceiling and they passed a resolution that they did not want to have anything more to do with administering any kind of public welfare in Sioux County because of the fact that there was no law enforcement down there that was effective. We sent a man down to try and quiet them down, because we have a proceeding whereby if any county gets out of conformance with the Social Security Act it puts the whole State out of conformity.

TELEGRAM

Here is the wire I got after I sent our staff member down there. He said:

Just back from Sioux. The question of jurisdiction a mess. Sioux County Welfare Board questions ADC administration with no action on desertion, non-support, illegitimacy, and alimony cases. Do not feel they can administer ADC under present circumstances. Juvenile commission no authority over Indian juvenile delinquent. Indian Bureau claims no jurisdiction of the townsite of North Yates, Solen, and Selfridge. Yet on reservation states' attorney—

he is a State officer—

claims no jurisdiction of Indian on reservation or town streets. Tribal court apparently also ineffective.

Of course that is just a story of frustration. The State welfare board does not prescribe the type of law enforcement. That is not our job. Our job is simply to say that since the State has no jurisdiction out there on those reservations they can't very well have until they accept it. They think that a vacuum can never be created in American society, that if they don't have jurisdiction, and those people are American citizens they have a right to have the same sort of law enforcement as people here in Washington and Bismarck.

Therefore, it seems to me that if we have no jurisdiction out there in that State over those reservations, and if the tribal court or the court of Indian offenses, whatever the term is and whatever peculiar pattern they serve do not have, we think that if it is money that is needed to make that law enforcement more effective that is what the Bureau of Indian Affairs ought to receive so you can have a better type judge and more policemen.

I was just talking to Mr. Hart before the hearing and I was going over some of the hearings conducted in North Dakota last year by Senator Langer and Senator Kefauver and Mr. Chumbris, and I noticed there were 6 policemen at 1 of the reservations and probably our most crowded reservations had only 2. So I said "how many; how come 6 here and only 2 on the other?"

Apparently the reason is that the tribe in one reservation is better financed than the tribe in the other one. Nevertheless, it is entirely possible that the reservation that needs the most policemen has the tribe that has the least money and where the greatest amount of lawlessness and disorder exist.

FINANCIAL DIFFICULTY

The second thing that I would like to mention is the hope that the Bureau of Indian Affairs receive enough general assistance money to take care of the needs of the people that need general assistance and I will tell you why you can have a vacuum created on that area. The counties that are on reservations are counties that are not very well fixed. The very fact of the reservation, the very fact that it is non-taxable and so forth, has caused those counties to not be fiscally very well off.

Then we come to the next level of the government. The State has refused to appropriate any money for general assistance for Indians. The matter of taking care of our citizens, of course, is a legislative matter. It is not an executive matter. If we say that, it is academic to say that we expect those counties in North Dakota to take care of general assistance and, if the State legislature has said "we will not do that either," that means if the funds for general assistance are not adequate by the Federal Government, you have a vacuum in taking care of people.

Without getting into the merits of whether the State or the Federal Government should, Mr. Emmons and other people in the Department of the Interior as well as Senator Langer and Senator Young have been familiar with our argument for years: That we have to see that people are fed. We have at least the moral responsibility since they are North Dakota citizens and it is entirely natural that when an impasse comes about where the Federal Government, say that they have limited funds, where the State government has no appropriation and where the counties cannot do it, we seem to be a catalyst, our desk in Bismarck where all these impasses congregate, and we say there is a responsibility on the Federal Government to take care of this general assistance load until such time as the State and the Federal Government reconcile their philosophies; and if eventually the State is going to take over general assistance besides all the other welfare that is being handled, that should be so synchronized so that there is not going to be any vacuum.

EXAMPLE OF GENERAL ASSISTANCE PROGRAM ADMINISTRATION

I will give you just an example and then I will stop my part of the testimony.

Here about 2 months ago, one of our reservations in North Dakota, the Fort Berthold Reservation at Newtown, were handling medical care and hospitalization for the residents of that particular reservation, general assistance, and the allocation they received for the last quarter of 1954, according to their own statement, was expended more rapidly than they had expected and they sent out a directive to the doctors in hospitals with whom they were doing business, as well as contacted the county welfare boards in that particular area and they said that

they, because of limited funds—that was the term they used—were going to have to restrict their general assistance program to the bone; they would have to depend on spending much less than the quarter before because they didn't have the funds and they would have to tighten up their eligibility.

Of course, what happened was that the county welfare boards then were approached directly and indirectly to take over certain bills because the Bureau of Indian Affairs said they didn't come within the category, within the type of tightening up eligibility directive that they had to employ for the months of January, February, and March.

The county welfare board called us. We have no appropriation for that. We said we can't accept limited funds, and if general assistance is any reason for the Bureau of Indian Affairs not to take care of that obligation, that we were not getting into the philosophy of whether the Federal or State should; we were talking as practical administrators; that since we had no provision and the counties are fiscally unable to take over those laws, that there had to be the Federal Government taking care of that responsibility until such time as the State legislature and the Congress, working together, worked out a transition that is orderly and that doesn't create this constant crisis.

I might say that if we had one of our hard, cold winters of North Dakota, which we haven't had for the last 3 years, unless we had assurance of ample funds from the Federal Government for general assistance, we would be in a mess. We have been favored by nature. The last winters in North Dakota have been pretty good.

SITUATION IN ARIZONA

Chairman HAYDEN. I am not quite clear. I know for a long time in Arizona the State contributed nothing toward the welfare of the Indians. Then there came a directive that Indians were citizens of the United States and that they were to get the same measure of social-security benefits as any other citizen; and that if the State didn't make that kind of arrangement, they would just wipe the State off the slate and it would get nothing. So, as a result, that negotiation was worked out. Is that your situation there?

Mr. ONSRUD. We take care of all public assistance under the Federal money programs. We take care of all the Federal and all the State—

Chairman HAYDEN. Is there any danger that the social security will be taken away from everybody in North Dakota, as they said would happen in Arizona unless we took care of the Indians?

Mr. ONSRUD. I would say, Mr. Chairman, that if the State of North Dakota refused to take care of the Indians that come under those programs in the same sense they did the whites, that they would say that we were out of conformity with the act and they would insist on us giving old-age assistance, aid to the blind, and these other programs to the Indians just like the whites. And in North Dakota we take care of all except what the Social Security Board sends us for the State and county share. That is not a problem in North Dakota. That is our own program. The problem is general assistance. That is our problem.

MEANING OF SUPREME COURT DECISION

Senator YOUNG. Mr. Chairman, may I ask at this point, does the recent supreme court decision in North Dakota in any way affect or change the status of your welfare programs, like it does in the case of law and order programs?

Mr. ONSRUD. The recent decision means that it simply affected Fort Totten primarily.

Senator YOUNG. So far as law and order is concerned.

Mr. ONSRUD. Yes. You see now, Senator, the whole area of law enforcement and the fact that the State has no jurisdiction on Indian reservations now has caused an attitude that now there better be Federal law enforcement that is effective; otherwise we are going to have a vacuum. The present sorry situation existing in Sioux, Turtle Mountain, and Fort Totten will be attributed to it; and that if law enforcement is going to be pro forma instead of having adequate effective courts out there, then you are going to have a gathering of this frustration and doing what Sioux County did, throw up their hands.

Senator YOUNG. My question was: Did it alter your aid to dependent children program or your welfare program or such? It does not affect those, does it?

Mr. ONSRUD. It does not affect those as far as their character is concerned, the fact that we continue to have those programs, though. As far as I know, the fact that law and order do not exist, effective or at all, within a certain part of a State, wouldn't be out of conformity with the Social Security Act. They might not like it, but I have never been informed by the Social Security Administration that if you have, say, Fort Totten, which had a vacuum for about 9 or 10 months, there was never any question that we could not still give assistance in there because a certain part of our State did not have adequate law enforcement.

Senator YOUNG. That is the thing that I wanted to get straight. The Federal Government will participate in these programs now the same as they have before?

Mr. ONSRUD. As far as I know they will. I am speaking without checking that through the Social Security Commission, but I don't think legally—they wouldn't like it, of course, because it hampers your administration of programs.

Senator LANGER. Under the supreme court decision cannot any taxpayer bring a suit now to keep you from spending any money on any Indian on trust land?

Mr. ONSRUD. I don't know, Senator. Maybe John Hart knows that.

Senator LANGER. It used to be that a State could not spend a dollar under such a decision. The decision is in evidence here.

Mr. ONSRUD. We can't on law and order.

Senator LANGER. Public schools or public welfare. I do not see how you can spend a dollar. You have read the decision. What do you think, Mr. Emmons?

ADMINISTRATION, BUREAU OF INDIAN AFFAIRS

STATEMENT OF W. BARTON GREENWOOD, ASSISTANT
COMMISSIONER

EFFECT OF SUPREME COURT DECISION

Senator YOUNG. I think it is awfully important for the Indian Bureau to make their position clear with respect to that supreme court decision and how it would affect these various programs that the Federal Government carries on for the Indian.

Mr. EMMONS. I wouldn't be able to speak from a legal angle at all. I do know that the recent decision of the supreme court has established a vacuum. The fact is that maybe one theory is that the Federal Government has no jurisdiction, and from the supreme court's angle the State has no jurisdiction. Somebody has to fill that gap.

For my own part—I am speaking of law and order—I would like to see the Federal Government itself step in and provide this law and order, because, after all, it is the Indian Bureau that gets the kickback on all this when there is no law and order. Whether it is caused by the confusion between the Federal Government and the State's jurisdiction, I don't know; but the situation exists up there where you have a condition of chaos. Somebody has to step in. I think that the Indian Bureau should be the one to do it.

Senator YOUNG. Mr. Commissioner, your appropriation bill is pending before this committee and I think this appropriations committee ought to know whether this supreme court decision is going to affect the amount of money that you need for various other programs. I think it is time that you get a legal opinion on it.

I do not know how we can sit down around this table here in this committee and determine how much money you need if you are not clear yourself how the supreme court decision will affect Indian programs.

Mr. EMMONS. I believe we have an estimate of what it would cost us.

Mr. GREENWOOD. We have an estimate on law and order, Senator.

Senator YOUNG. I know that and I wanted to ask some questions on that. Does this supreme court decision affect the other programs? You can answer that yes or no. Your attorneys ought to be able to answer it.

Mr. GREENWOOD. That is right, we do not have any formal opinion from our attorneys; but it is our opinion it only affects the law and order jurisdiction.

Senator YOUNG. You will have an opinion on that?

Mr. GREENWOOD. Yes, sir.

Senator YOUNG. All right.

Chairman HAYDEN. Who is going to write that opinion?

Mr. GREENWOOD. The Solicitor's Office.

Chairman HAYDEN. The Solicitor of the Department of Interior will take a look at this North Dakota Supreme Court decision and give you an opinion as to what it means and what is necessary to

be done in the meantime. What is the situation with respect to the action taken by the legislature out there? I understand there is some measure pending that will remedy this in some way.

Senator LANGER. Mr. Hart can explain that.

NORTH DAKOTA INDIAN AFFAIRS COMMISSION

STATEMENT OF JOHN B. HART, EXECUTIVE DIRECTOR

LAW ENFORCEMENT PROBLEM

Mr. HART. Senator, the legislature, after the Supreme Court decision, passed a resolution authorizing a constitutional amendment which would in effect, if passed by the people of the State, give the State legislature authority in their discretion to take over law enforcement.

Apparently the public statements that have been made by the members of the legislative research committee, and the leaders of both the Senate and the House made in the presence of Senator Langer: "We are not going to take over law enforcement unless there is reimbursement." Does that answer the specific question?

Senator Langer was present when this was quite authoritatively discussed during the meeting of the legislature.

Senator LANGER. But they went further. Representative Rhode said "We are not going to pay for the schoolchildren that are on the trust land and we are not going to pay independent welfare of Indians on trust land in the Supreme Court decision."

Mr. HART. May I clarify a question you asked some time back?

Chairman HAYDEN. Yes.

SOCIAL SECURITY ACT BENEFITS

Mr. HART. Whether or not there was a possible threat to the State of North Dakota under the Social Security Act. I would like to read, if I may, one of the recommendations of the North Dakota State commission. I think Mr. Onsrud did not interpret and answer the question as I believe you intended the question to be. The North Dakota Indian Affairs Commission which was created by the State, and Mr. Onsrud as one of the members, passed a series of recommendations recently.

Included among the recommendations is one as follows:

It is the recommendation of the North Dakota Indian Affairs Commission that the State legislature study the possibility of amending our basic aid to dependent children act so as to require the recipient of the benefits under the aid to dependent children law to reside in an area subject to the general criminal and civil jurisdiction of the courts of the State of North Dakota.

It is the contention of some people, including myself, that under the supreme court decision, the State of North Dakota will have that authority and that if they exercise that authority Indian people living in Indian country will not be subject to the benefits of the Social Security Act providing for aid to dependent children. There is some possible question on it, but there is a distinct threat in the State of North Dakota to now do something about this. This recent supreme court decision has armed us with what we think to be good authority, and we are not afraid to give a little push on it, if I use that.

ARIZONA-NEW MEXICO SITUATION

It is something similar to the situation you had in Arizona and New Mexico, if you will pardon me for referring to it, prior to the so-called Santa Fe agreement on this whole setup there.

Chairman HAYDEN. The States of Arizona and New Mexico got together over Santa Fe and finally worked out an agreement whereby the States assumed that they would take care of Indians, assume their share of care, on the Indian reservations as far as social security was concerned. We were told if we did not make that arrangement then the whole State would be declared ineligible to any social-security benefits for anybody.

Mr. HART. We realize that, Senator, and we recognize that the precedent created there is of some possible value to us, particularly when we start looking at the statistical situation as to the needs of particularly the people of the Navaho-Hopi Reservation compared to the Indian people of North Dakota.

For your information, the testimony presented at the hearing for the Turtle Mountain termination bill last year showed statistically, according to the statistics from the Bureau of Indian Affairs, that there is a greater percentage of self-supporting families among the Navaho and Hopi Indians than there is among any of the tribes of North Dakota, particularly the Turtle Mountain tribe at the Turtle Mountain Indian Reservation where there is less than one self-supporting family to each welfare family, and with the Navaho in either Arizona or New Mexico—I have the specific figures here—you have 16 self-supporting families for each welfare family.

Now, we say that the situation in New Mexico and Arizona is correct. We are not objecting to justice being done there at all.

We think that the justice should be extended to cover our situation where the setup is considerably worse. Does that sort of answer that question?

Chairman HAYDEN. I cannot understand how the Indians up there got into a position whereby they have one family on welfare for every other family that can make its own way. Is it poverty of natural resources or what?

Senator LANGER. It is very simple, Senator. In Arizona you have 15 million acres. In North Dakota you have 6 or 7 thousand Indians on 2 townships of land. There isn't any possible chance for them to make a living.

That is the trouble. We do not have any land.

COMPARATIVE WELFARE CONDITION

Mr. HART. Would the Senator care to have me read the testimony that was presented as to this comparative welfare condition?

Chairman HAYDEN. If it is not too long, yes.

Mr. HART (reading):

One further statement I would like to make is that I would like to call the attention of this committee to the fact that in Arizona you have for all Indians 5% self-supporting families—I wish to repeat that—5% self-supporting families for each welfare family; on the Navaho Reservation in Arizona you have 16%—I wish to repeat that—16%—self-supporting Indian families for each Indian welfare family. In North Dakota, including all Indian reservations, you have 1%—I wish to repeat that—1%—self-supporting family for every Indian welfare family.

That appears on page 1562 of the termination hearing for the Turtle Mountain Indian Reservation. The rest of the statement is broken down by tribes, particularly as to the situation you have there.

OPINION OF ATTORNEY GENERAL

Chairman HAYDEN. What does the attorney general of North Dakota have to say about it?

Mr. HART. On the question of what, sir? On this Indian dependent children or the criminal phase?

Chairman HAYDEN. Either way.

Mr. HART. On the question of jurisdiction on the Fort Totten Reservation and the other reservations, the attorney general of the State of North Dakota, which has been sustained by the State supreme court, says that the State does not have criminal or civil jurisdiction on the reservation until the constitution of the State of North Dakota is amended.

Chairman HAYDEN. What was the provision in the constitution of North Dakota that barred their assuming that?

Mr. HART. The constitution of the State of North Dakota has in it, the enabling act that was passed by Congress, a provision saying that Indian lands shall remain under the exclusive jurisdiction of the Federal Government until Indian title thereto has been extinguished. That compact also has in it, and is made part of the constitution, saying—

Their contract shall be irrevocable until the consent of Congress and the people of said State has been agreed to.

Now, in South Dakota your enabling act said—

The consent of the people of said State as expressed by their legislature— but we do not have those vitally important words there.

Chairman HAYDEN. So it takes a constitutional amendment?

Mr. HART. Yes, to authorize jurisdiction under Public Law 280.

Chairman HAYDEN. We have never claimed lands under that act in Arizona and New Mexico.

Mr. EMMONS. I understand it is a constitutional amendment over there, too; that is, by vote of the people.

Chairman HAYDEN. In other words, you think the same rule would apply to Arizona and New Mexico?

Mr. EMMONS. I am speaking of just law and order, Public Law 280.

Chairman HAYDEN. How about welfare?

Mr. HART. It is my opinion—and the North Dakota Bar Association, a group of attorneys, has met and discussed this quite thoroughly as to whether or not the State of North Dakota, the sovereign State, would have authority to exclude Indian children from the receipt of benefits under the aid to dependent children. This aid to dependent children is the thing that is bothering us just as much as it has bothered you people in Arizona.

ATTITUDE OF SOCIAL SECURITY ADMINISTRATION

Mr. ONSRUD. I think we should keep this clear. You said the State. We have another factor, and that is, of course, the Social Security Administration, and I tried to get a preliminary statement from the

Office of the Social Security Commissioners several months ago. That wasn't, I suppose, a complete Solicitor's opinion, but the implication was that you cannot add any more conditions than the Social Security Act requires. In other words, the implication of the wire I got, Mr. Hart, was that even though they would not like a situation where there was not law enforcement, that would not prevent them, from their standpoint of the Social Security Act, from denying funds to North Dakota. There is a question of the State of North Dakota, an entity in itself, decides that it doesn't want State funds that are in this check with Federal funds, to go to that, but if they decided that, you would be in utter nonconformity with the Social Security Act if they held that that was adding a condition.

Mr. HART. That is correct. I believe the Senator understands that, because in the State of Arizona they recently lost a case in regard to aid to permanently and totally disabled. This is a new approach, a new theory, the theory being that the sovereign State of North Dakota cannot be forced by an act of Congress to do an act in an area not subject to the criminal and civil jurisdiction of the State. I have discussed this with several attorneys, and that is my theory. Many of them disagree with me, but under the Supreme Court finding, I believe I am armed with sufficient dynamite that I am not afraid to take a shot at it, assuming that a catastrophe will result.

Senator YOUNG. Has there been any attempt to get a ruling from the attorney general of North Dakota as to what the situation will be after the Supreme Court ruling? I have particular reference to the aid-to-dependent-children programs, and such as that?

Mr. HART. Not since that, sir.

Senator YOUNG. Should not that be done?

Chairman HAYDEN. That is the important thing which we ought to have.

Mr. HART. Under the supreme court ruling, the clear implication there is that I may be right, under the supreme court ruling of the State of North Dakota. The clear implication is there, as I said before, and we do not want to move hastily on this. We have been trying to get the Social Security Administration to relax the rules and regulations so that the situation on the Indian reservation can be corrected. If law enforcement is cleaned up on the Indian reservation there will be no reason for the State of North Dakota wanting to go any further, but there is a distinct threat that, if we have to use a baseball bat in diplomacy, we may get some foul balls and hit the batter, but we will still take a shot at it.

LAW ENFORCEMENT FUNDS

Senator YOUNG. May I ask a question on funds for law enforcement?

How much money do you have under the present budget for law enforcement in North Dakota?

Mr. GREENWOOD. \$15,436.

Senator YOUNG. How much are you asking for for next year?

Mr. GREENWOOD. About the same amount of money.

Senator YOUNG. \$15,000?

Mr. GREENWOOD. Yes.

Senator YOUNG. I have some figures which would indicate that you may be asking for \$276,000.

Mr. GREENWOOD. No, sir. At the request of the Subcommittee on Juvenile Delinquency of the Senate Judiciary Committee at a hearing held last Friday we were asked to prepare an estimate of the amount required to do an adequate law and order job throughout the service, and we selected North Dakota as the first State to estimate on because that is the one in question at the moment. We have prepared such an estimate, which called for an expenditure of \$276,000.

Senator YOUNG. In other words, Mr. Chairman, our present appropriation is \$15,000 and, according to this estimate, you would have to have \$276,000. How much would you have to have for law enforcement on Indian reservations in the whole State?

Mr. GREENWOOD. On the basis of figures submitted to this committee at its request, in connection with the 1951 appropriations bill, it would be somewhere in the neighborhood of \$1½ million. That is, for the employment of law enforcement officers and for their expenses. Then we would need an additional \$1½ million for the construction and improvement of jail facilities.

Senator YOUNG. This figure here is about 20 times the amount of money that you are presently appropriating for North Dakota?

Mr. GREENWOOD. Yes, sir.

Senator YOUNG. Are you applying that same ratio to other States?

Mr. GREENWOOD. It would apply about the same way; yes, sir; that is correct.

Senator YOUNG. In other words, your appropriation for law enforcement will have to be nearly 20 times as high as it has been in the past?

Mr. GREENWOOD. Not quite, because the situations vary from State to State. North Dakota, I think, is one of our most critical areas.

Senator YOUNG. Is the Bureau going to testify in support of this amount?

Mr. GREENWOOD. No, sir. We are supplying this information at the request of the committee.

Senator YOUNG. You are only going to ask for \$15,000?

Mr. GREENWOOD. That is all that is in our budget for fiscal 1956.

Senator YOUNG. And if that is all that is in your budget, that is all that you are permitted to ask for?

Mr. GREENWOOD. Unless we are requested by the committee to submit our views.

Senator MUNDT. How does that \$15,000 in North Dakota compare with the law-enforcement figure in South Dakota?

Mr. GREENWOOD. I do not have South Dakota here, but I would say it would probably compare favorably. We have a total of \$337,000 for law enforcement throughout the service.

Senator MUNDT. Would you tell us how it compares percentage-wise? We have about three times as many Indians in South Dakota as there are in North Dakota.

Mr. GREENWOOD. I do not have the figures here.

Senator MUNDT. Would that be about 40,000 in South Dakota?

Mr. GREENWOOD. It is about 60,000, Senator.

PAYMENT TO SCHOOL DISTRICT

Senator LANGER. Might I ask a question, Mr. Chairman? What about these schools in New Town, for example? I think Mr. Hart said the average per child was \$177, and that you people paid less than

one-third of that, and Representative Rohde presented the figures there. Why should not the Appropriations Committee appropriate enough money so that the school district gets paid what they pay out for these Indian children?

Mr. GREENWOOD. We are trying to apply the same policy with respect to each State. It does result in different per capita contributions.

Senator LANGER. In some towns you pay as much as a white child gets; in other towns half as much; in other towns, a third as much.

Mr. GREENWOOD. Yes, sir; that depends on the local situation. What we try to do in the case of education is to provide through the State contract assistance to the public school districts, where the budget reveals a need for more money than is available to them from local taxation and State aids.

Senator LANGER. Why should the citizens of New Town and Mount-rail County be out several thousands of dollars a year for educating Indian children?

Mr. Hart, you have those figures.

EDUCATIONAL PAYMENTS FOR INDIAN SCHOOL CHILDREN

Mr. HART. I would like to call the committee's attention to the fact that recently the Bureau of Indian Affairs published a summary as to the percentage of Indian children in public schools compared to the number of Indian children in Indian schools and I believe that the statistics showed about 56 percent of Indian children in public schools. Is that right, Mr. Emmons?

Mr. EMMONS. Approximately.

Mr. HART. And the rest of them would be in Indian schools. The budget for the Bureau of Indian Affairs for the fiscal year 1955 provides \$23 million for the education of Indian children in the Indian schools. That is about 44 percent of the total Indian children. It provides \$3 million for the other 56 percent. I believe that is roughly the figure that we checked the other day. The man from the Senate Interior and Insular Affairs Committee was here and went over those figures with me. Those are roughly the correct figures, sir.

In North Dakota approximately one-third of the total operational cost of Indian children attending public schools is paid by the Bureau of Indian Affairs. We feel very strongly that Indian children should attend public schools. We feel that every encouragement should be made that is necessary in order to get the Indian children to attend public schools. Where the local community and the State have to take on this burden, it creates a resistance; it creates a roadblock which is financial, and that roadblock carries over into the racial area and we believe retards the education of Indian children in public schools. It arouses those dormant racial feelings that are there. If you wish to have a better example of it, just look at Fort Totten on this little subject of law and order, as to how the people feel there, and the sentiments that were expressed from the Indian counties at the time Senator Langer was there on the subject of education, by Mr. Lowell of New Town, and representatives from some other places.

SENATE REPORT

Chairman HAYDEN. The clerk directs my attention to the statement that was made in the Senate report in 1951 on the Indian appropriations bill. I would like to read it to you:

* * * the committee commends the position taken by the Indian Bureau that Indian children, by virtue of their citizenship in a State and residence in a State and district are entitled to the same free public education as rendered to any other citizen children, without any legal obligation resting on the Federal Government to pay tuition for this service. However, the committee also recognizes that the presence of large blocks of nontaxable Indian property within a local district, or unusually large numbers of Indian children, may create a situation which local funds are inadequate to meet. The committee therefore endorses the present policy of the Indian Bureau of recommending Federal financial assistance to these districts, based on evidence that the district is taxing itself to the maximum, and is still in need of supplementary funds, in order to maintain an adequate school.

In other words, we were taking into consideration what the situation happened to be in any particular school district and we tried to work it out. That was the policy that was laid down. Is there any criticism of that policy?

APPLICATION OF JOHNSON-O'MALLEY ACT FUNDS

Mr. HART. Yes, sir. I wish to show you here a chart that I compiled, which goes back to 1950. It shows the discrimination—I use the word “discrimination” as to the application of the Johnson-O'Malley Act funds between States. The cost of the education of these Indian children is not paid by the Federal Government and we feel that it is the responsibility of the Federal Government to bring these Indian children up in a manner in which they will become assets as citizens, in a manner in which they will be contributing to society. We feel that anything that is done which forces this burden onto the local communities or onto the State automatically defeats its own purpose. We feel that if the per capita cost is paid, with no profit any place, in any way, shape or manner, that the Federal Government is going to accomplish its job of seeing that Indian children are educated, preferably in non-Indian schools. We wish to take the specific situation of a local community, for instance. If this Indian child can go to the Indian school on the Indian reservation, where the cost to the Federal Government may be \$300 per pupil per year, why should the local community put any effort out to have that child go to the public school when they are assuming a burden? It is those little things that result in retarding the whole program.

We believe that if, in one generation, the Federal Government would assume its responsibility of seeing that the Indian people do not constitute a burden to the local taxpayers, that you would have overcome one of the greatest objections that there is to Indian children attending public schools. We wish to state further that we believe in all of the Indian States, that the States would be ready, able, and willing to go in and put in public schools in all of the cases where it is possible. We recognize that in certain cases the Indian children cannot speak English, and such as that, and it cannot be done, but where the other conditions are present, we believe the Indian children will be attending the public schools and that the Government will have accomplished its job during the next generation, instead of

4 or 5 generations. We believe there is an inherent evil in segregating the Indians on the Indian reservation.

Chairman HAYDEN. Recently in Arizona and New Mexico there was an arrangement made whereby Indian children above the fourth grade who are out on reservations might be brought into town off the reservation and could be housed in dormitories there and cared for in the town; that then the Indian Service would pay to the district the customary tuition fee to keep them in the public schools.

Mr. HART. I wish to beg your pardon. Are you sure it was the customary tuition fee or was it the per-pupil cost, such as it is? It was the per-pupil cost, not the customary tuition fee.

Chairman HAYDEN. Whichever way it was, it was an arrangement whereby the district which was already fully taxed to maintain its own local public schools, had brought in these Indian children not residents of the district and put them in school and the district was repaid the cost of taking care of them.

COMMUNITY SERVICES, BUREAU OF INDIAN AFFAIRS

STATEMENT OF SELENE GIFFORD, ASSISTANT COMMISSIONER

SCHOOL PAYMENTS

Miss GIFFORD. You have stated it correctly, Mr. Chairman; we do pay the full cost when children are moved into a district, which is different from that of their residence. I might add that we do that in North Dakota too, at the present time, under the Johnson-O'Malley contract, if there are children that are being taken care of in a school district which is not the school district in which the child resides. That is possible under the Johnson-O'Malley contract.

We do attempt to treat all of these States on the same basic policy; and, under this statement which Mr. Hart has made, and under the formula, it will never appear that States are getting the same amount per capita per child because the basis of need is estimated upon those things which a particular State or local school district takes into consideration when they establish their own income for education in the State. Some States have greater State aids than others, which are available to all districts. Some States have lesser ones. We estimate our needs and figure them on a plan which the States present to us. They provide us with the figures. We meet the difference between that which the State and the local districts can do, and the problem created by the Indian population and the tax-exempt load.

Chairman HAYDEN. I take it that the North Dakota theory is that because an Indian is an Indian and because the Indians resides upon untaxed public lands, that, therefore, the United States should pay all costs of maintaining the public school in that district?

Mr. HART. The theory of North Dakota is, sir, that as long as the Federal Government treats these people as they do—they have tax-exempt lands, and they give them special services or special benefits—that they are Indians for the purpose of becoming rehabilitated, assimilated, cultured, or whatever you want to call it, and we feel that these Indian people came from all over the United States and that the Indian people should be asset people at the time that they are turned over to us for responsibility. We feel that they should not be liability citizens.

SIOUX TREATY

For instance, I would like to refer to the treaty of the Sioux down in South Dakota. Senator Mundt is here.

The treaty contains a provision that the Federal Government shall take care of the subsistence of the needy Indians. I believe that I have seen that in the paper. I have not discussed it with Senator Mundt.

The operation of the Social Security Act forces the State of South Dakota and, since we have Sioux on North Dakota, the people of North Dakota, to assume an obligation in taking care of these Indians, as residents of the State of North Dakota. We pay our share of the Federal part of it because we are also taxpayers of the United States. We get hit twice for that same obligation.

Senator Mundt is present, and he can correct that statement if it is wrong as to the treaty with the Sioux.

Senator MUNDT. I think that is right.

Mr. HART. I believe that that is a correct statement and I believe some of the treaties we have in the western part of the United States have the same provisions, is that right, Mr. Emmons?

Mr. EMMONS. I think so.

Chairman HAYDEN. I do not know much about treaties, because we only have one treaty reservation in Arizona. The rest are all by Executive order.

POSSIBLE MATHEMATICAL FORMULA

Mr. HART. The State of North Dakota will not complain if there will be a mathematical formula, say 50 percent of the cost of education, 75 percent, 34 percent or 97 percent, as long as it is standard throughout the United States, but we do feel that we are being discriminated against unless we get the same thing as they receive in other States.

For instance, let me give you another example:

In the case of foster-home care of Indian children in the State of Wisconsin for many years—and I believe it still exists—the Bureau of Indian Affairs has a contract providing that they pay for foster-home care of Indian children in the State of Wisconsin. There are several other States where they have contracts such as that, but in the State of North Dakota, the Bureau of Indian Affairs does not pay any money toward foster-home care of Indian children. At the present time in 2 or 3 cases, at Fort Totten Indian Reservation last year, and I believe over at Fort Berthold, they paid boarding-home care for some of the Indian children attending public schools. But they only pay one-third of the cost of education of those children. It is a half-marriage; it is not complete. It only goes as far as they can get away with, and it seems to us in North Dakota that the only way we can protect ourselves in what we claim to be rank discrimination is to use a baseball bat.

I wish to say that we learned part of that psychology from the experience of the Navaho-Hopi situation under the Social Security Act.

EQUAL BENEFITS

Senator LANGER. What you want is for the North Dakota schools to have the same deal that Gallup, N. Mex., gets, is that right?

Mr. HART. That is correct. We wish no advantage over any other State, but we do wish the same identical State advantages any other State gets.

Senator LANGER. That is fair enough for them to give you the same deal they gave the Indians in Gallup, N. Mex.

Mr. EMMONS. Senator, one of the things that I asked Miss Gifford and our people was: Is the Southwest getting any exceptional benefits over any other part of the country? Because I want to see the same reasonable formula used all over the country.

Miss GIFFORD. could you answer that question?

Miss GIFFORD. As we have stated before, insofar as education is concerned, the same policies are being applied in all areas where we have the Johnson-O'Malley contract. There is no doubt that in the Southwest there are more children in need of education than there are in North Dakota. For example, the number of children in North Dakota that were enumerated as Indian children for the fiscal year 1954 was 4,669. Of that number, 3,922 were in schools; 1,103 were in public schools and 1,971 were in Federal schools which we operate. I only use this figure because, as you know, in the Southwest on the Navaho alone, we had about 13,000 children over a year ago who had never had an opportunity to go to any school at all, and within this last year we were able, with the help of Congress and the Bureau of the Budget, to do something which had needed to be done for a long time, which was to get almost 8,000 children, in fact, over 8,000 children in school, that had never had an opportunity for education before.

In that process, we, of course, had to arrange, under the Johnson-O'Malley contract, for the same kind of assistance to existing public school districts as we give in other parts of the country, when they accept children that are not residents of their districts; so that, it is our belief that although certainly the numbers of Indians in the Southwest and the number in great need are greater than in North Dakota—and I am not minimizing the need of Indians in North Dakota—we nevertheless feel that our policies are being applied in exactly the same way in relation to North Dakota as they are in other parts of the country.

PER CAPITA PUPIL COST

Chairman HAYDEN. You have given me a tabulation for 1950. Of course, that is 4 years old. In Arizona there were at that time 1,857 pupils that were helped under the operation of the Johnson-O'Malley Act at a cost of \$56.81 each. In New Mexico at that time there were 270 pupils at a cost of \$64.44. What is it costing now per capita under this new arrangement?

Mr. HART. Are you asking me, Mr. Chairman?

Chairman HAYDEN. I am asking Miss Gifford.

Miss GIFFORD. I am sorry. I did not bring those figures with me. I do not have them here and I do not remember.

Chairman HAYDEN. What is it going to cost per capita under this new arrangement that you are working out in Arizona and New Mexico? You do not have the figures here?

Miss GIFFORD. I do not have the figures here.

Chairman HAYDEN. Let me go on then. By comparison, in North Dakota they had 270 pupils in school at a cost of \$123.77. Why

would the cost be practically more than twice as much to put an Indian child in school in North Dakota than in Arizona and New Mexico?

Mr. HART. We are in agreement on that. We believe that Arizona and New Mexico did not have a proper deal at that time. We believe they should have paid the per capita cost at that time. We believe the per pupil cost is the only proper criterion for any State.

Chairman HAYDEN. Just because he is an Indian?

Mr. HART. That is correct. As long as the Federal Government considers that person an Indian, then the Federal Government assumes an obligation as to that person. If the Federal Government wants to cut out that special relationship and they want to get rid of their treaties, such as you have in South Dakota, to take care of the needy and different things like that, that of course is within the power of the Federal Government. However, as long as the Federal Government is doing the job we feel they should do the right and the proper job, sir.

Let us look at it from a practical point of view, Mr. Chairman. We have here in New Town—that is a little town near the Fort Berthold Indian Reservation—an agency set up there. Many are in a tax-exempt status, et cetera. They built a school there. In that school there are many Indian children. As a result of some of these things, the local people wanted to shove some of those pupils back to the Indian reservation or back to their school. It involves the local school district and the people who pay their taxes. It involves the State and all of the others. We say the correct solution to getting the Indian people in the public schools is for the Federal Government to pay its freight, the freight being the same criterion used by that district. We do not believe that the Indian children should be educated better than the non-Indian children of the community, or worse. They should be educated by the same standards, because, in all probability, they will become part of that community in the not too distant future. At least, that is apparently the hope of all of us. Does that answer that question sir?

Senator MUNDT. What you are saying, Mr. Hart, as I understand it, is this: It is your position that the Federal Government should assume 100 percent of the cost of educating Indian children off the reservation, instead of 33⅓ percent?

Mr. HART. That is right.

Senator MUNDT. Whatever that cost may be. You do not object to it giving less if the same applies to all the States?

Mr. HART. That is right. If you pay all the States 75 percent of what they lose we will not complain.

BASIS OF PAYMENTS

Senator MUNDT. You do pay the same percentage now, do you not?

Miss GIFFORD. It is not on a percentage basis. It is based upon need and the need varies according to State and county resources for education. That differs in every State. In North Dakota I believe they get their revenue from the general sales tax primarily. If that is the case, then Indians already participate in contributing toward the cost of education. We estimate the need to bridge the gap between the amount required to conduct an adequate school program

and the local and State revenue available to meet that need. This is based on two main factors, a great many Indian children or a large amount of tax-exempt land, and the school district may not by its usual process, raise enough revenue to meet that difference.

Senator MUNDT. What would be wrong with Mr. Hart's theory? Would it not be a lot simpler to say "We are going to pay a percentage, and not insist on 100 percent"—a percentage of the Indian child education off the reservation—"and we will pay that percentage wherever he happens to be in school"?

Chairman HAYDEN. Do I understand that Mr. Hart says they should get that same percentage, regardless of the ability of the district to support the school?

Mr. HART. Or of the State, sir. Let the State fight its own problem.

Chairman HAYDEN. The State or the district should be completely relieved of any expense for educating Indian children?

Senator MUNDT. A fixed percentage of it, or treating them all alike—is that right?

Mr. HART. I say this first: It should be 100 percent. Then we say, if you do not make it 100 percent you make it some standard percentage for all States. We will take our responsibility the same as other States, as long as it is nondiscriminatory.

Senator MUNDT. Otherwise, do you not penalize the school districts which voluntarily tax themselves a little higher than the other ones?

DISCUSSION OF PAYMENT FORMULA

Miss GIFFORD. It was about 2 years ago, because there were several questions raised about Johnson-O'Malley contracts, that we in the Bureau of Indian Affairs invited several of the State people to attend a meeting where we discussed whether or not the Johnson-O'Malley formula as it was being applied in various States was adequate and was meeting the need. Mr. Hart, although he was not a State director of education, attended that meeting with the State director of education from North Dakota.

We spent 3 days discussing this problem and we tried to arrive at some different formula. When the meeting was over the State people present felt that although there might be some inadequacies in the present formula, they did not have a better one to suggest, and most of the States present said that they felt they had received very good treatment under the Johnson-O'Malley formula.

Senator LANGER. However, that was before the Supreme Court decision came out.

Miss GIFFORD. Quite so.

Mr. HART. I still objected all the way through.

Miss GIFFORD. I said you had a minority report.

Mr. HART. Mr. Chairman, may I make one more explanation as to that?

At the time of this meeting, about half, or more than half of the people participating in that conference were what we called directors of Indian education under the Johnson-O'Malley Act. They are paid from the funds appropriated by Congress, to represent the States in the Johnson-O'Malley Act negotiations. They are selected with the approval of the Bureau of Indian Affairs. Their salaries are paid

by the Bureau of Indian Affairs, under the Johnson-O'Malley Act. The expenses for the trip were paid under the Johnson-O'Malley Act. They were reflecting their thinking and, in my opinion, not necessarily the thinking of the States involved. Would you correct me if I am wrong on that, please, Miss Gifford?

Miss GIFFORD. I would not agree with that. I thought they put up the States' point of view extremely well, Mr. Hart.

Mr. HART. At least they put up their point of view.

Mr. GREENWOOD. I think there is one other thing that we might bring out that is significant: That the States had an opportunity to elect whether they should continue to receive aid from the Bureau of Indian Affairs under the Johnson-O'Malley Act for education, or apply for aid to the Office of Education in the Department of Health, Education, and Welfare, under Public Law 874, as amended, and not one State elected to accept help under Public Law 874 from the Office of Education.

Chairman HAYDEN. Why?

Mr. HART. That law, sir, was put up under what we call a Federal impact theory. I am not as familiar with that as I should be. That is a Federal-impact deal. You have to have that impact after such and such a date or it does not apply, and they would receive less money under that than they would otherwise.

In this overall deal I am vitally interested in Indian children going to public schools. We have set up as one of our premises in North Dakota, that we believe Indian children will be able to participate in the community, and will be able to recognize their obligation to the school districts, the townships, the State and so forth, if they go to the public schools. If this system is changed, whereby the per pupil cost is given to the districts, we believe the districts will then not have any objection to them coming into the district. In fact, in many cases, it will be an encouragement and the job of "We, the people" of the United States will be accomplished much faster.

ATTENDANCE AT MISSION SCHOOLS

Senator MUNDT. I would like to ask about another type. How do you figure out how much to pay for these Indians who go to church schools, or mission schools, which are neither public schools nor Indian schools? How do you determine how much to pay them?

Mr. GREENWOOD. That is by negotiation with the institution or the bureau of Catholic missions, depending on the nature of the institution. What we pay there, Senator, is only for care. We are prohibited under existing law from paying for education of children in the sectarian schools.

Senator MUNDT. You simply pay their board and room?

Mr. GREENWOOD. That is correct.

SENATE JUVENILE DELINQUENCY COMMITTEE

STATEMENT OF PETER N. CHUMBRIS, ASSISTANT COUNSEL

COMPARISON OF PUBLIC LAW 874 AND JOHNSON-O'MALLEY PROGRAM

Mr. CHUMBRIS. Mr. Chairman, on the question of Public Law 874 and the Johnson-O'Malley program, I happen to have here in our in-

terim report, on page 130 in the appendix, Oklahoma's viewpoint on the comparison between the Johnson-O'Malley program and Public Law 874, if you want to insert it in the record. It is about two pages long.

Chairman HAYDEN. What is the sum and substance of it?

Mr. CHUMBRIS. They give the sum and substance of it. They break it down. You would have to read the whole thing to get it, because it was digested from Oklahoma's point of view, from the area director, in Anadarko, and the board of education in Oklahoma City.

Chairman HAYDEN. The whole theory of the old law before was that the Defense Department established a new military post for the armed services, established an airbase, or something, and brought in a lot of people and loaded them on the local school district. That impact had to be paid for, and that is all there is to it. It does not have anything to do with the status of the people, whether they are citizens or noncitizens, or any thing else. The Indian problem is different.

Are there any further representations to be made?

Senator MUNDT. Mr. Chairman, this problem about whether the Johnson-O'Malley Act is correct, or what the law is going to be, I think, should be directed to Senator O'Mahoney's committee rather than ours. We cannot do it in an appropriations bill.

Chairman HAYDEN. I was going to turn to Senator O'Mahoney here and say that we apparently are expected to adopt a theory that has not been enacted into law by the Congress. What about that?

STATEMENT OF HON. JOSEPH C. O'MAHONEY, A UNITED STATES SENATOR FROM THE STATE OF WYOMING

NEED FOR DISTINCTION BETWEEN PROGRAMS

Senator O'MAHONEY. Mr. Chairman, I think that you must choose between the subjects that are before you. If you are to discuss the education angle, then you must be guided by the Johnson-O'Malley Act. I think the Indian Bureau has testified very clearly about that, both here today and before the Subcommittee on Juvenile Delinquency of the Judiciary Committee, of which I unexpectedly became chairman last week.

With respect to that matter, I am firmly of the opinion that this Johnson-O'Malley Act needs a reexamination and the whole problem of Indian education needs reexamination. The Commissioner has testified before the legislative committee of his program designed to improve the general condition of the Indians. He makes it clear that the present policy of the Bureau of Indian Affairs recognizes its obligation.

Where law enforcement is concerned, however, you are dealing with a different subject.

Chairman HAYDEN. Entirely so.

TYPES OF CASES IN NORTH DAKOTA

Senator O'MAHONEY. In the State of North Dakota you have two different types of cases. You have the type that arises on the Devils Lake Reservation, or the Fort Totten Reservation, which was transferred to the State by Federal law back in 1946, but which the State

now finds itself, by reason of the decision of the Supreme Court, unable to handle, because there is a breaking down of the jurisdiction. This is true first, by reason of the act of Congress, which attempted to pass responsibility to the State, and, secondly, by reason of the Supreme Court decision, which said that the State cannot accept it. Thus you have a deplorable situation where there is no law enforcement.

Chairman HAYDEN. Would the quickest way to settle that be for Congress to repeal the act transferring the land and reassume jurisdiction?

Senator O'MAHONEY. I think so, so far as Fort Totten is concerned. However, you have in the State of North Dakota three other reservations—Turtle Mountain, Fort Berthold, and Standing Rock—and in each of these reservations there is no question about the jurisdiction of the Indian Bureau. There is no question about the duty of the Federal Government to carry on law enforcement. Yet the Budget Bureau has asked this committee to appropriate only \$15,000 for the enforcement of law on these four reservations for the whole fiscal year of 1956.

AMOUNT NECESSARY FOR ENFORCING LAW

At this meeting of the Judiciary Committee the other day, I requested the Bureau to go over their figures and tell this committee, when you were good enough to indicate that you would have this session, what in the opinion of the Bureau of Indian Affairs is necessary to enforce the law in all four reservations. You have those figures here now. The required budget for law enforcement in North Dakota, submitted by the Bureau of Indian Affairs now in response to the inquiry, in \$276,000, which is a ratio of about 20 to 1 compared to what the Bureau of the Budget has allowed before.

It seems to me that that is, on its face, so utterly ridiculous, that the Congress ought to increase the appropriation for law enforcement. If we are going to rehabilitate the Indians, and if we are going to merge them into the general population, and that seems to be the desire in North Dakota, and has been successfully carried out in other States, we have to be certain that their assignment to reservations will not operate so as to make it impossible for them to support themselves.

A couple of years ago the Congress, largely through the influence of the chairman of this Appropriations Committee, passed a very good statute known as the Navaho-Hopi law, intended to raise the standard of living of those people. Out in North Dakota the situation as to living conditions on the reservation is worse than the situation was, in my judgment, on the Navaho-Hopi areas. They have less land on which to live, poorer land, and much smaller opportunity to make a living for themselves and their children.

FEDERAL RESPONSIBILITY FOR INDIANS

There has been a struggle going on about stripping the Federal Government of control or responsibility for the Indians. Bills have been introduced for that purpose, apparently on the sink or swim theory as far as the Indians are concerned, and with a total disregard of the obligation of this Government with respect to the treaties with the various Indians.

Chairman HAYDEN. I think everyone agrees, so far as the Navahos and Hopis are concerned, that there has been a large increase in the number of members. There were only about 10,000 of them. Today we have more than 60,000 in Arizona and New Mexico. They multiplied about 6 or 7 times in those intervening years. The reservation simply is not capable of supporting that kind of population. Therefore, the only answer to the Navaho-Hopi problem is to teach the children the English language so that they can get out and leave the reservation and become a part of the general population of the United States. I think the Indian Service is getting around to where they are doing a very good job in that. You have been very successful this year in getting the Indians to work, and off the reservation.

Senator MUNDT. I think you can expand that statement and say that that is the only hope of the Indian problem everywhere. It applies not only to the Navaho-Hopi Reservation, but that is the answer in North Dakota, South Dakota, and everywhere; educate these children to live in the white man's community as regular citizens.

NEED FOR EDUCATION

Chairman HAYDEN. To meet the problem you have to, of course, get the Indian children on the reservation to be able to speak English so they can talk some English at least before they come to town. The Indian Bureau has schools that move around from place to place because they have to follow the flock. In the lower grades they teach them English, so that when the child gets up to fourth grade on the reservation, they can bring him into town and take care of him there. I am not convinced that the tuition of every Indian, because he is an Indian, regardless of the school district where he goes to, must be alike in every State of the Union. I do not think you can make it uniform and get away with it. It is a fine theory, but I do not believe it is practical. That is what is bothering me.

Senator O'MAHONEY. Senator, so far as the educational responsibility is concerned, I am glad to tell this committee that the legislative committee will look into that, and if there are possible modifications of the Johnson-O'Malley Act the committee will recommend them. A hearing will be held, and we will call upon the Commissioner of Indian Affairs and his associates to testify about it. We will ask the Indians to testify about it, and we will ask the States to submit their opinions. But there can be no doubt that it will be very bad for the Federal Government to fail to carry out the responsibility for law enforcement on the reservation. So when the Bureau of the Budget sends up a ridiculous recommendation like \$15,000 to cover 4 reservations in 1 State, I think that the Appropriations Committee will not hesitate to change that.

INADEQUACY OF FUNDS

Senator YOUNG. Senator, I merely want to point out that that \$15,000 is about the amount of money we have been appropriating for several years, to the law-enforcement authorities of North Dakota.

Senator O'MAHONEY. That may be. That has nothing to do with the inadequacy of it. I was going to ask the Commissioner whether he brought up any figures to indicate what is the judgment of the

Bureau of Indian Affairs as to the total cost of carrying on law enforcement on all the Indian reservations under his jurisdiction.

Mr. EMMONS. We do, on North Dakota, but I do not believe we have it for the overall, yet. However, we do have figures on North Dakota.

Mr. GREENWOOD. We have not revised the estimate we submitted to this committee in connection with the 1951 appropriation bill, which indicated a total of \$1,465,000 as being necessary to provide an adequate law enforcement program throughout the service on all reservations. I think our revised estimate will not be too far from that figure, however, Senator.

Senator O'MAHONEY. How much is that figure?

Mr. GREENWOOD. \$1,465,000.

Senator O'MAHONEY. What is it in the present budget?

Mr. GREENWOOD. \$337,000.

Senator O'MAHONEY. You must be of the opinion that this \$300,000 figure that you have just given me is totally inadequate for this purpose?

Mr. GREENWOOD. I agree; yes, sir.

Senator O'MAHONEY. That was your agreement at the hearing the other day.

Mr. EMMONS. That is right.

Senator O'MAHONEY. The whole point of this business, Mr. Chairman, is this: that if by our neglect, that is to say, the neglect of Congress, and the Indian Bureau, and the Bureau of the Budget, juvenile delinquency is encouraged on the Indian reservations by our failure to enforce punishment of violations against law, we must bear the responsibility for the failure to rehabilitate the Indians. So I do hope that the Appropriations Committee, in going over this problem, will take this into consideration and give substantially more than the budget has recommended. I think it ought to give what they request.

RESURVEY OF FUNDS REQUESTED

Chairman HAYDEN. I can say for my part—and I think for the other members of the subcommittee—that we would like to have you again go over your figures, and see how much more than \$337,000 you would need to do an adequate job. It may be difficult to get the full amount to create an ideal situation on every reservation, but if you will indicate to us what the minimum amount is that will do a fair job, and what kind of job you are going to do, that is to say, what kind of police force you are going to have; what judges; and things of that kind; who is going to do it, and, will there be any reform in the system of administration of justice. If you look that over and give us some definite recommendation, I am sure the committee will be glad to receive it.

Mr. GREENWOOD. May I say in that connection that the \$276,000 estimate that we prepared for the State of North Dakota alone would probably be somewhat less than that amount if we were authorized to contract for the service rather than to provide it directly, because of the differential in salaries between those paid by the State and by the Federal Government, and other methods of operation which we have to follow, which the State does not.

Senator O'MAHONEY. What authority do you have to enter into a contract, say, with the State of North Dakota?

Mr. GREENWOOD. None at the present time, as far as law and order is concerned.

Senator O'MAHONEY. Do you recommend such?

Mr. GREENWOOD. Yes, indeed.

Senator O'MAHONEY. Have you sent such a recommendation to the legislative committee?

Mr. GREENWOOD. We have not yet; no, sir.

Senator O'MAHONEY. Are you considering it?

Mr. GREENWOOD. Yes, sir.

Senator YOUNG. Mr. Chairman, I am wondering if the same presentation on behalf of increased funds for law enforcement is being presented on the House side? As a rule this committee here—and I think in every instance for the past several years—has increased the appropriation for law enforcement over the amount allowed by the House. If we increase the appropriation here and no similar presentation is being made on the House side, it does not do much good. Maybe by raising it we could maintain a part of that raise in conference with the House, but certainly not very much of it.

I would like to ask, Mr. Hart—are you appearing in behalf of this raise in appropriation to \$276,000 for law enforcement in North Dakota?

Mr. HART. Senator, I made a vow one time I would never appear for a raise in the appropriations to the Bureau of Indian Affairs, and I have to back up. I am in this case of law enforcement appearing and supporting whatever raise is necessary to effectuate effective law enforcement of the reservations.

Senator O'MAHONEY. Mr. Chairman, may I make a suggestion to the Senator?

Chairman HAYDEN. Surely.

AVAILABILITY OF RECORD ON SUBJECT

Senator O'MAHONEY. I will make available to both of the Senators from North Dakota the record which was taken in the Judiciary Committee last Friday. The record made here today will be available to both of you. I think that both Senator Langer and Senator Young could appear before that House Committee on Appropriations and make the record for the increase down there. I have done my part by taking this chairmanship that did not belong to me last Friday, and by arranging with Senator Hayden for this hearing today. I have made by argument here, and I will make it again, and if the Senators want me to go with them before the House Committee on Appropriations, on behalf of this increased appropriation for law enforcement in North Dakota, and on all the reservations, I will be happy to do it, because I think we are falling down on our job.

NEED FOR IMMEDIATE INITIATION OF LEGISLATION

Chairman HAYDEN. I think it is highly important that the Bureau of Indian Affairs immediately initiate legislation before the legislative committees of the House and Senate to provide some practical scheme that probably will not cost as much and will provide for contracting

with the States and counties for this law enforcement work. I think you could get it done for a lot less money and get at it that way. The legislation could be promptly passed, and we would really get something done.

I am just like Senator Young. We may appropriate a considerable sum of money and if the House does not know anything about it, no representation having been made to them, it is exceedingly difficult to hold it in conference. Whereas if the matter is promptly presented to the Legislative Committee of the House and in the Senate that this law enforcement situation is desperate, it ought to be taken care of and it can be done by proper cooperation between the States and counties and the Indian Bureau, and done at a reasonable cost. Then we will get some place.

Senator YOUNG. I had not finished my questioning a minute or two ago. I would like very much to ask them some questions either now or later.

Chairman HAYDEN. Go right ahead.

RECOMMENDATIONS FOR OTHER APPROPRIATIONS

Senator YOUNG. I would like to ask, Mr. Hart, if you are appearing here for other appropriations than law enforcement?

Mr. HART. At the committee meeting the other day mention was made that we should appear for everything. Senator Langer said, "Tell them the whole story," so we are telling the whole story as it comes up.

Senator YOUNG. What are your recommendations for the other appropriations? Any specific amounts?

Mr. HART. I have no figures, sir. I have no figures at all, because I am not prepared to justify any other figures at this time.

Senator YOUNG. My problem is that I might be accused afterwards of not getting enough money for the Indian program in North Dakota. I have little to guide me if you have no specific figures from you or Mr. Onsrud. I noticed neither of you presented any specific figures.

Mr. HART. He has the figures here regarding all the facets of welfare and he has the figures available.

Senator YOUNG. Will he present them for the record? I would like to know how much he recommends that each fund be increased.

Mr. HART. I will request that he do that, sir.

(The information referred to was not furnished to the committee.)

Senator YOUNG. I would like to say too, Senator O'Mahoney, I would be very happy to appear before the House committee, but, as you know, if each one of us appeared for every program we were interested in as, for instance, reclamation or the farm program, we would be pretty busy.

Senator O'MAHONEY. I know it.

Senator YOUNG. It requires long hours to battle for the things we want on this side of Congress.

BILLS RELATIVE TO LAW VIOLATIONS BY INDIANS

Senator O'MAHONEY. Mr. Chairman, I wanted to make one more remark with respect to what you just said. The 83d Congress passed

a law to turn over to the States jurisdiction over civil and criminal offenses on Indian reservations. This was Public Law 280 of the 1st session of the 83d Congress. When the President signed that he did so reluctantly, because there was no provision in the bill providing for consultation with the Indians when the transfer was being made.

Two bills have been introduced in the Senate and are now before the Committee on Interior and Insular Affairs to amend this act so as to require the consent of the Indians.

The Bureau of Indian Affairs is not quite ready to go as far as consent. It wants to stop at consultation. There is a difference between consent and consultation.

If we are to provide any change of policy with respect to education, or welfare, or law enforcement, and do it without the consent or even consultation with the Indians, we are getting into hot water again.

Chairman HAYDEN. That is right.

Senator O'MAHONEY. Therefore, my appeal to you now is to find one thing, because this is the one thing that you can do. The Bureau has the jurisdiction to enforce the law on the reservation.

In the case of the Fort Totten Reservation, the jurisdiction of which was transferred to the State and now ruled to be illegal for the State to assume, that is like Mohammed's coffin between the air. It is nowhere, but there. The condition is there, and the Bureau of Indian Affairs has indicated to the Judiciary Committee its willingness to step into the breach, and enforce law on the reservation. Provided it has the money, it will step in.

Secretary Orme Lewis was before the Judiciary Committee and made that definite statement, did he not?

Mr. EMMONS. Yes, sir.

Senator O'MAHONEY. Therefore, for the present, the only thing this committee can do is to make such an appropriation to enable the Indian Bureau to carry on this law enforcement. For myself, I believe that it must be done for North Dakota, where the question has been raised by the Senate Committee of Juvenile Delinquency, where this gentleman held a hearing, and I think, knowing something as I do, of all the Indian reservations, that more money for overall law enforcement in all the reservations, should be allowed, and these gentlemen ought to make it up.

Mr. CHUMBRIS. Mr. Chairman, I would like to submit to the committee our transcript of the hearings in North Dakota, for your record, if you would like to have it, and also our interim report, which has our findings as well as exhibits in the back.

Chairman HAYDEN. Thank you.

Are there any further questions?

Senator LANGER. I want to thank you very much indeed, Senator Hayden.

(This completes the portion of the hearing held Monday, March 14, 1955, before the subcommittee of the Committee on Appropriations.)

Senator LANGER. Well, again, I thank all of you, gentlemen, and we will close our hearing at this time and proceed on our way.

(Whereupon, at 4:10 p. m., Saturday, April 30, 1955, the subcommittee recessed, subject to call.)



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